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MACKENZIE VALLEY PIPELINE INQUIRY

Government  
Publications

IN THE MATTER OF APPLICATIONS BY EACH OF  
(a) CANADIAN ARCTIC GAS PIPELINE LIMITED FOR A  
RIGHT-OF-WAY THAT MIGHT BE GRANTED ACROSS  
CROWN LANDS WITHIN THE YUKON TERRITORY AND  
THE NORTHWEST TERRITORIES, and  
(b) FOOTHILLS PIPE LINES LTD. FOR A RIGHT-OF-WAY  
THAT MIGHT BE GRANTED ACROSS CROWN LANDS  
WITHIN THE NORTHWEST TERRITORIES,  
FOR THE PURPOSE OF A PROPOSED MACKENZIE VALLEY PIPELINE

and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL AND  
ECONOMIC IMPACT REGIONALLY OF THE CONSTRUCTION,  
OPERATION AND SUBSEQUENT ABANDONMENT OF THE ABOVE  
PROPOSED PIPELINE

(Before the Honourable Mr. Justice Berger, Commissioner)

Yellowknife, N.W.T.,

April 27, 1976.

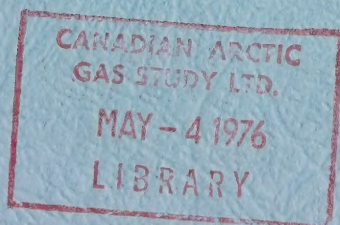
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PROCEEDINGS AT INQUIRY

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Volume 146

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M835  
Vol. 146









APPEARANCES:

Mr. Ian G. Scott, Q.C.,  
Mr. Stephen T. Goudge,  
Mr. Alick Ryder and  
Mr. Ian Roland for Mackenzie Valley Pipeline  
Inquiry;

Mr. Pierre Genest, Q.C.,  
Mr. Jack Marshall,  
Mr. Darryl Carter and  
Mr. J.T. Steeves for Canadian Arctic Gas Pipeline  
Limited.

Mr. Reginald Gibbs, Q.C.,  
Mr. Alan Hollingworth and  
Mr. John W. Lutes for Foothills Pipe Lines Ltd.;

Mr. Russell Anthony,  
Prof. Alastair Lucas and  
Mr. Garth Evans for Canadian Arctic Resources  
Committee;

Mr. Glen W. Bell and  
Mr. Gerry Sutton for Northwest Territories  
Indian Brotherhood, and  
Metis Association of the  
Northwest Territories;

Mr. John Bayly and  
Miss Leslie Lane for Inuit Tapirisat of Canada,  
and The Committee for  
Original Peoples Entitle-  
ment;

Mr. Ron Veale and  
Mr. Allen Lueck for The Council for the Yukon  
Indians;

Mr. Carson Templeton for Environment Protection  
Board;

Mr. David H. Searle, Q.C. for Northwest Territories  
Chamber of Commerce

Mr. Murray Sigler for The Association of Munici-  
palities;

Mr. John Ballem, Q.C. for Producer Companies;

Mrs. Joanne MacQuarrie, for Mental Health Association  
of the Northwest Territor-  
ies.

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GAS STUDY LTD.

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Hugh McCULLUM

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Analysis, January 1976

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Yellowknife, N.W.T.,

April 27, 1976.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. SCOTT: Mr. Commissioner, before the panel is introduced this afternoon I've been asked to announce the timetable for the next period. As you know, the timetable is now fixed through the southern hearings, which will conclude at Halifax on June 8th. The rest of that week there will be no sitting. The week of June 14th there will be formal hearings at Yellowknife. The week of June 21st there will be formal hearings at Yellowknife. The week of June 28th, which includes July 1st, there will be no sitting. The week of July 5th there will be formal hearings at Yellowknife. The week of July 12th there will be formal hearings at Yellowknife.

MR. STEEVES: Will you go slower, please?

MR. SCOTT: Sorry.

MR. STEEVES: After July 5th there will be formal hearings at Yellowknife?

MR. SCOTT: Yes. July 12th formal hearings at Yellowknife. You'll have caught up to us by then, Mr. Steeves.

July 19th there will be formal hearings at Yellowknife, and then during the weeks of July 26th and August 2nd, there will be no sitting, and we will reconvene again in Yellowknife for formal hearings on August 9th.

It is possible that the third





week of July-- that is the week of July 19th -- may be devoted to community hearings at Rae. We know more about that later and until an announcement is made I would ask all participants to treat it nonetheless as a week for formal hearings at Yellowknife because if the community hearing at Rae cannot be held that week, we intend to sit here and hear evidence.

That takes us to August 9th, Mr. Commissioner, and that's as far as we can go at the moment.

MR. HOLLINGWORTH: Mr. Commissioner, prior to Mr. Bell proceeding with his evidence I have some undertakings to file with respect to evidence given by Foothills witnesses in the past. On page 8392 Mr. Marshall requested a report on drill stem hole south of Fort Simpson. I'd like to file that report with the Inquiry.

On page 8805 Mr. Bayly asked for cross-delta studies. There are no such studies and none are being contemplated.

On pages 9041, 9090, 9087, 9969 to 971, Mr. Bayly and Mr. Scott asked for plans on sewage disposal and there is a note to be filed on that.

On page 9110 Mr. Scott asked for details of A.G.T.L. compressor station noises, and details are filed on that.

Mr. Bayly, on pages 9239 to 9240 asked for experiments on pipe coating. None will be available until the final stage.





On pages 9361 to 9362 Mr.

Marshall asked for a report entitled:

"Terrain Study & Thaw Settlement Analysis,"  
and that is being filed with the Inquiry.

On pages 9430 to 9432 Mr.

Bayly asked for a report on possible changes to the composition of material covering pipe and stream crossings and the answers to those are contained in National Energy Board deficiency letter answers which Mr. Bayly would receive, and if Mr. Bayly so wishes I can file those particular answers with the Inquiry.

On pages 9961 to 9962 Mr.

Scott asked for a configuration on how looping would be achieved for a typical joint between spreads and that is being filed.

On pages 9705 and 9871 Mr.

Genest and Mr. Templeton asked for a report on winter roads, and a report entitled:

"Winter Roads and Working Pads Operations and  
Scheduling,"

has been filed with the Inquiry.

On page 9775 Mr. Genest asked

for geotechnical studies to be used as a basis to prepare estimates for where blasting concrete weights back-filled for buoyancy control would be utilized; this will not be available until final design.

On pages 9799 to 9800 Mr.

Bayly asked for construction worker procedures manual.

These would not be available until time of construction.

On the environmental panel,





pages 15187 to 15188 we were asked to provide a list of toxic substances to be used in testing and in operating compressor stations. This is being supplied.

On pages 15253 to 15258 we were asked to provide a description in its initial stages of Foothills proposed orientation program, and this is being provided.

On pages 15317 to 15318 we were asked to provide a research design relative to aquatic systems and a program anticipated for the laterals, and this is being provided.

On pages 15 -- on page rather 15345 we were asked to provide a location of the tentative Fort Hope -- Fort Good Hope relocation. At the moment this is still being discussed with the residents of Fort Good Hope among the Foothills staff.

On pages 15361, Dr. Whitney was asked to provide a copy of an article that appeared in "Science" magazine. This is being provided.

On page 15370 we were asked to provide an account of the scope of the monitoring program envisioned by Foothills, and this is being provided.

And on page 15372 we were asked to provide a proposal for a critical path chart relative to emergency repair, and this is being provided. I'd like to file all these responses with the Inquiry, Mr. Commissioner, and copies of these are being sent to all participants.





(EQUIPMENT SPECIFICATIONS, NOISE ATTENUATION  
AT A.G.T.L. COMPRESSOR STATION, MARKED EXHIBIT 586)  
(REPORT ON TERRAIN STUDY & THAW SETTLEMENT  
ANALYSIS, January 1976, MARKED EXHIBIT 587)  
(CONFIGURATION INDICATING LOOPING AT TYPICAL  
JOINT BETWEEN TWO SPREADS MARKED EXHIBIT 588)  
(REPORT "WINTER ROADS & WORKING PADS, OPERATIONS  
& SCHEDULING" November 1975 MARKED EXHIBIT 589)  
(BIOLOGICAL ENVIRONMENTAL PANEL RESPONSES TO  
INFORMATION REQUESTS MARKED EXHIBIT 590)





MR. SCOTT: Mr. Hollingworth, are they being sent in the mail?

MR. HOLLINGWORTH: Yes, they are.

MR. SCOTT: Yes, thank you.

MR. STEEVES: Could it be taken Mr. Commissioner that whenever my learned friend on behalf of Foothills has answered an undertaking by saying, "that won't be known until final design," that I have said "shame, shame". Thank you.

THE COMMISSIONER: All right.

MR. SCOTT: It hardly lies in Mr. Steeves' mouth acting for Arctic Gas to say that it's shameful that something is postponed to final design.

MR. STEEVES: It does restore the position of equality.

MR. SCOTT: This is going to be a difficult afternoon.

MR. STEEVES: That's my intention.

THE COMMISSIONER: Mr. Bell.

MR. BELL: Yes sir. I'd like to introduce our next panel to you. Starting on your far right sir is Mr. Boyce Richardson. Next to him is Mr. Hugh McCullum. Then is Mr. Ray Jones and on your far left end is Mr. Ken Young.

KENNETH B. YOUNG,  
RAYMOND JONES,  
HUGH McCULLUM  
BOYCE RICHARDSON, sworn:





Young, Jones, McCullum,  
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In Chief

DIRECT EXAMINATION BY MR. BELL:

Q If I could turn to your  
c.v. Mr. Richardson, you are at present an author, a  
film maker and broadcaster?

WITNESS RICHARDSON: Yes.

Q From 1945 to 1960, you  
held various positions as a journalist in New Zealand,  
Australia, England and Canada.

A Yes.

Q From 1960 to 1968, you  
were the London correspondent for the Montreal Star.

A Yes.

Q From 1968 to 1971 you were  
the Associate Editor of the Montreal Star.

A Yes.

Q Since 1971 you've been a  
freelance writer, broadcaster and film maker.

A Yes.

Q In 1973, you were a member  
of the board of the Canadian Association in Support of  
Native Peoples.

A Yes.

Q From 1972 to 1973, you were  
a member of the Council of the Canadian Council on Urban  
and Regional Research.

A Yes.

Q You are the author of the  
publications listed in the appendix to your evidence.

A Right.

Q You are also involved in



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making the films listed here, namely "Job's Garden" in 1973; "Cree Hunters of Mistassini" in 1974, "Our Land is our Life" in 1975, "The Cities We Build" in 1974 and "Niagara - For Sale" in 1975.

A Yes.

Q I understand that the film "Cree Hunters of Mistassini" in 1975 won the three awards listed on page two to the appendix to your testimony including the Best Documentary of the Canadian Film Awards.

A Yes.

Q Turning to you Mr. McCullum, you are at present the coordinator of the Interchurch Project on Northern Development, otherwise known as Project North.

WITNESS MCCULLUM: Yes.

Q In 1963, you obtained a diploma in journalism from the American Press Institute at Columbia University.

A Yes.

Q From 1956 to 1967, you were a reporter or editor for various Canadian newspapers.

A Yes.

Q In 1967, you were the managing editor of the "Canadian Churchman".

A Yes.

Q From 1968 to 1975, you were the editor and general manager of the "Canadian Churchman".





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A Yes.

Q From 1974 to the present,  
you've also been an Adjunct Professor of Journalism  
at the University of Western Ontario.

A Yes.

Q You are the author, along  
with Karmel McCullum of "This Land is Not For Sale".

A Yes.

Q I should say at this point  
sir that we <sup>were</sup> intending to call Karmel McCullum to appear  
on this panel but she is unable to be here, and we'll  
~~have to~~ manage as best we can without her.

Turning to you Mr. Jones, you  
are the band administrator of Kitsegukla Band at  
British Columbia.

WITNESS JONES: Yes.

Q You are also the chairman  
of the Git-Shan Carrier Tribal Council.

A That's right.

Q A post which you've held  
since the inception of that body in 1968.

A Right.

Q You are also a member  
of the College Council for the Northwest Community  
College in Terrace, British Columbia.

A Right.

Q You have working experience  
in various capacities and places in British Columbia  
listed in the appendix to your testimony.





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A Right.

Q Turning to you Mr. Young,  
you are at present a lawyer in the City of Winnipeg.

WITNESS YOUNG: Yes.

Q You are the vice-chairman  
of the Northern Flood Committee.

A Yes.

Q It's in that capacity  
that you're appearing here today.

A Yes.

Q You have a B.A. from the  
University of Manitoba and an LL.B. from the University  
of Manitoba.

A Yes.

Q You've been in the  
practice of law in Winnipeg since 1973.

A Yes.

Q The two other members of  
this panel sir, Professor Robert Page, I hope will be  
here later this afternoon, and apparently he's on his  
way, and Ann Forrest will be called next week.

I would like to call now on  
Hugh McCullum to read his evidence please.



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WITNESS McCULLUM: During the last 12 months while researching material for magazine and newspaper articles on northern development, particularly as it affects, and is affected by native land claims, a distinct pattern began to emerge whether we visited the Northwest Territories, Northern Manitoba, North-western B.C. or Northern Quebec.

Initially each massive energy or industrial development we encountered seemed to have its own set of dimensions, its own problems, and its own way of dealing with local and regional situations. This is the way governments would like to see Canadians deal with the north, in a diffuse, uninformed and indifferent fashion. Only some vague notion of public or national interest is given as the reason for these projects.

However, as our travels increased we began to spend more time with the people of the north, each project took on clear similarities until it was evident that the same ingredients pertained in each, only the location and the names of the actors were different.

With the emergence of this pattern - which some students of political economy refer to as colonial development - came an increasingly disturbing feeling that all was not well in the north. Legally many of the projects were in doubt, yet they rolled on inexorably. The moral and ethical questions that public interest and native groups attempted to raise were quickly dismissed with this "greater public





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good" argument.

On the taking of Indian land against the will of the Indians, the present Minister of Indian & Northern Development has publicly compared it with the plight of his neighbors, who had to give up 20 feet of their lots so that the street could be widened in the general interest. When we examined this rather tactless statement in the light of actual development schemes, it seemed to leave some unanswered questions.

Take, for example, the Manitoba hydro-development project. The underlying assumption by the Minister is that, if it has been established that the Churchill River diversion is in the general interest of Manitoba as a whole, then that interest should prevail over the interest of the local people who, in this case, happen to be the Cree Bands of some eight communities and reservations.

But there is a serious flaw in this argument, one that we found over and over again in looking at northern development projects.

It pretends that taking 20 feet off the front lawn of a city street is analogous to destroying the Community of South Indian Lake. From a moral and ethical point of view, from a people point of view, if you like, this is simply absurd. Land in a southern city is valued as a marketable commodity and therefore compensation and the greater good make the expropriation justifiable. But in South Indian Lake the natural environment and the natural





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resource of the people - their land and its surround-  
ings - are not marketable commodities, any more than  
is the air we breathe. Money, or the things money can  
buy, cannot be seen as compensation for the kind of  
loss of a natural resource that is involved in northern  
development projects. For that natural resource, the  
land, is not regarded by the people of South Indian  
Lake or of the Nass Valley or of Paint Hills or of  
Povungnituk as merely a means of making money. It  
sustains a specific life style and supports a community  
which, to the people we talked with, means a history,  
a community, a present and a future, not merely a  
collection of individuals who might want a wider, better  
paved street. It is an insult to the sensitivities  
of both Indian and white people to claim that these  
two situations are similar.

As we moved about the north  
our unease grew as we began to understand a little of  
what the native people were saying to us everywhere we  
went. We began to get a glimmer of the fear and  
apprehension, the insecurity and frustration that came  
with every appearance of a survey crew or a hydro  
engineer. They knew nothing of what was happening to  
their land; the only absolute was the endless supply  
of rumors and the stakes that appeared on their land.

Out of this came a book,  
"This Land is Not for Sale", which is an attempt to show  
how the analogy described earlier is but one example  
of the total picture of northern development. Whether  
it was the North-west British Columbia development



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scheme, the Nelson-Churchill River diversion scheme, the James Bay hydro development scheme, or the Mackenzie Valley Pipeline scheme, the essential elements never vary.

We travelled more than 100,000 miles in those 12 months and interviewed countless people, many of them natives. We met the government and industrial people, we attended innumerable community hearings, sat through trials and Court hearings, read consultants' reports, and studied the issues from every angle. We used the skills of 20 years of journalism to try and do the hard job of investigating and analyzing how northern development projects do more, very much more, than merely meet the needs of an ever-hungry consumer society.

The purpose of this brief, sir, is to try and synthesize for this Inquiry the elements of this pattern of northern development. We also suggest that the essential problem lies in the attitude of governments, corporations, and many white southerners that the havoc wreaked on cultures other than our own by these projects is justifiable because native people should be assimilated into our society and become just like us.

Crown corporations, private corporations and the sociologists they employ to study the indigenous people affected by these developments speak euphemistically of accelerating the transition from traditional to modern lifestyle. Indeed, this was one of the major arguments advanced by Hydro Quebec





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when confronted by the destruction to the ways of life of the Cree and Inuit of Northern Quebec by the James Bay hydro project.

We will attempt to analyze in the remainder of this evidence the common elements of massive industrial developments on the north and their effect on the native residents of those areas. Other experts on this panel will deal with the specifics of the various projects mentioned, but while our travels and research took us to almost every part of Northern Canada, we will concentrate on three major areas outside the Yukon and Northwest Territories -- that is North-western B.C., Northern Manitoba, and Northern Quebec.

The common elements that we found - the projects are invariably huge and usually involve enormous expenditures of money in the construction phases. Energy production of some sort is the key element in many of them and a huge influx of outside construction workers is inevitable.

The James Bay project was touted by Premier Robert Bourassa during the 1971 election campaign that saw its launching as the "largest single industrial undertaking ever conceived in Canada." (Arctic Gas now claims that accolade for its proposed pipeline). "The project of the century," Premier Bourassa, called it, promising an expenditure of \$6 billion, 125, 000 jobs, 500 miles of road, 60 miles of dykes, 10 or 11 dams on five rivers, to produce 10 million kilowatts of electricity every year.



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The rationale behind the Project of the Century was to help solve the apparent energy crises in the northeastern United States and in the process, solve unemployment and economic problems in Quebec.

The project has been modified somewhat since. The cost has gone up until recent estimates put it closer to \$18 billion. We wonder whether the cost of <sup>the</sup> pipeline here will similarly escalate so that it will be able to retain its claim to be the biggest and the best ever. The number of dams and diversions has been reduced as a result of the recent James Bay Settlement, but the essential elements remain the same.

In northern Manitoba, a project to divert the Churchill River into the Nelson River was first conceived back in 1964 as an engineer's dream and while it is not yet complete, it's \$4 billion cost with a 7,700 megawatt capacity makes it, in the words of one engineer, "gigantic". Its potential to cause flooding and erosion of shorelines and other environmental problems is considerable.

In the two previously mentioned projects both Hydro Quebec and Manitoba Hydro are Crown owned corporations, the purpose of whose existence is to provide economical power for those provinces. Yet in both cases, a major rationale for these enormous schemes is the export and sale of cheap hydro electricity south of the border.

In northwestern British Columbia,





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the scheme is small in terms of money, a mere outlay initially by the Federal and Provincial Governments of some \$500 million. But the dream of capital outlay is totally more than \$10 billion in hydro dams, railways, instant towns, super saw mills, copper mines, a steel mill, highways, a superport, was envisaged in aid of 20,000 new jobs and a boom for that quadrant of the province stretching up the coast from Kitimat to the Yukon border.

Federal and provincial money was to be spent supplying services for the development of the natural resources, it was hoped, by American and Japanese interests.

These three huge projects in Manitoba, Quebec and British Columbia were, in every instance, planned, announced and undertaken secretly without any involvement of the people who would be most affected; the residents of northern Quebec, northwestern British Columbia and northern Manitoba. In each case, the planning was done secretly. In each case, the projects were announced with great fanfare in the south by government and corporation officials far removed from the scene. In all instances the involvement of both Federal and Provincial Governments was essential if the projects were to commence.

In northwestern British Columbia, the funding for the development project was fifty - fifty between the province and the Department of Regional and Economic Expansion (DREE).



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In Manitoba in 1966 the province and Ottawa signed an agreement to proceed with the project, with Ottawa to build the necessary transmission lines and to allow for the export of power.

In James Bay, the Federal Government agreed to extinguish native land claims so the project could proceed unimpeded by legal actions which had actually halted it for eight days.

In every case, acknowledged experts have seriously and to this day, questioned the need, the feasibility and the economics of all these projects. Testimony before the now famous Malouf injunction hearing, the longest in legal history in Canada, over and over again called the "Project of the Century" an engineering, environmental and economic disaster.

Tesitmony given by engineers during a variety of inquiries into aspects of the Nelson-Churchill River diversion estimated that existing sources of electricity will meet Manitoba's needs until 1991, that the hydro is needed for export only to the Mid-western United States, and that the haste in which the project was undertaken has compromised the time needed to conduct the necessary environmental, social and political studies needed to safeguard the rights of the native people.

In northwestern British Columbia, where some government officials still blandly insist there is no northwest development project, a failing pulp industry and weak world copper prices have slowed the hoped for influx of foreign capital but the highways,





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the saw mills and the clear cut logging continue without abatement.

However, all these common features, each of which could fill a book of documentation pale beside the utter disregard for the rights, culture, lifestyle and aspirations of the people who have occupied the land in question since time immemorial.

Let us here trace briefly the history and involvement of the native people in each of these three areas. The similarities are startling, the impact on their lives frightening.

Northwestern British Columbia. As you know, Mr. Commissioner, there have, with the exception of some areas of the Peace River country, been no treaties signed between the aboriginal people of British Columbia and the Federal Government. Consequently none of the land affected by the scheme to turn the 100,000 square miles of the northwestern part of that province into an industrial park has been treated for. Its aboriginal title is still held by such tribes as the Tsimpsean, the Nishga and the Kitwancool.

The case of the Nishga, whose 5,000 square mile claim lies almost in the center of this scheme is perhaps the most glaring example. It is a case, Mr. Commissioner, with which you are undoubtedly more familiar than anyone else in this room.

The Nass River Valley, to its 2200 inhabitants in four valleys has been the proud and relatively comfortable homeland of the Nishga for centuries. Fishing, logging, hunting and trapping are



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their main livelihood. They have pursued their demands for a just settlement of their claim for 107 years. Shortly, they will have commenced actual negotiations with Ottawa and Victoria.

But at the same time, excuse me -- But at the time of the great Northwest Project, these claims were totally ignored by the planners in Victoria and Ottawa. Indeed, one of the essential elements of the project was the construction of a branch of the Canadian National Railway through Nishga land to help open up copper ore deposits further north. It was to be a connecting line from Terrace, British Columbia through to Dease Lake.

Surveyors were sent out and the first 38 miles of right-of-way were mapped when the C.N.R. crews one day chanced to enter the land the Nishga call their own. They were politely turned back and today, some three years later, the C.N.R. remains halted at Mile 38.

The Nishga, however, have been accused of blocking progress.

When one drives through the stunningly beautiful valley, as we have done on many occasions, the pock-marked mountain sides strike a jarring note. Canadian Cellulose, now Cancel, a Crown owned pulp corporation has removed hundreds of thousands of feet of timber. Our first trip through there caused us to remark on this blemish in an otherwise almost idyllic setting. One of the chief Nishga councillors pointed that





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all the timber was on Nishga land and that "not one cent of royalties has ever been paid.

When the Nishga halted traffic on their logging road and later last year threatened to close a key bridge, some of the people of Terrace accused them again of blocking progress. Yet, an enormous project, a 400 mile long railway and increased logging had been planned and announced without one word of discussion with these people who have peacefully and continually sought to have a fair settlement negotiated for their land.



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In addition, the Nass Valley contains large mineral deposits, hydro potential and tourism attractions. The Nishga rightly fear the development that these portend, and have become leaders in the battle to have the development schemes proposals made public, calling for citizen participation, slower growth, and a change in plans.

The C.N.R. has finally abandoned their rail lines for the moment, the logging industry is in decline, copper is not of immediate interest. But the plans exist and the people wonder. As one talks with whites and natives alike in the streets of Terrace, the rumors abound.

Here, as elsewhere in the north, the insecurity and the uncertainty of the future tend to exacerbate race relations. The boom and bust mentality created by schemes that call for a huge influx of outsiders strains social services to the breaking point. Alcoholism, family breakdown, suicides, unemployment and welfare mark the lives of many of the residents of Terrace.

The Nishga do not want all of this to invade their valley. Yet the very planning process that produced the North-western B.C. project failed to involve the people whose valley lies in the centre of the project area.

Studies undertaken after the C.N.R. started to survey its right-of-way were suppressed because the railroad deemed them unfavorable, but a copy has come into our hands. It indicates to the





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1 C.N.R. that work should halt until all land claims  
2 are settled. The response of the project manager of the  
3 time was merely that he was in Terrace to build a rail-  
4 way, not to get into a political hassle.

5 He told the Nishga that  
6 surveying a rail line should not affect their land  
7 claims, the C.N.R. did not wish to take over their  
8 homeland and he expressed bewilderment at their  
9 obduracy in refusing to allow the survey to be conducted.  
10 It sounds to us, Mr. Commissioner, similar to the  
11 statements of the pipeline companies here, to the effect  
12 that they too wish land claims settled, but that building  
13 the pipeline in advance need not prejudice the case of  
14 the Dene or Inuit. To Indian people - and to us - such  
15 statements defy common sense.

16 Northern Manitoba. In the  
17 remote areas of this province some 600 and more miles  
18 north of Winnipeg, most of the Cree people have signed  
19 away their aboriginal rights in the form of land  
20 treaties and now live on reservations.

21 As you know, lands reserved  
22 for Indians are the responsibility of the Minister of  
23 Indian Affairs. According to the Indian Act, this  
24 land cannot be bought or sold without his consent and  
25 the consent of the people who own it, in this case the  
26 people of Nelson House, Cross Lake, Norway House, Split  
27 Lake, York Landing and Fox Lake. Nor can it be expro-  
28 priated without ministerial consent.

29 Yet the Churchill River  
30 diversion project directly "interferes with the use



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1 and benefit of the lands reserved for Indians and  
2 deprives Indian people of the option for the co-opera-  
3 tive development of these assets to which they are  
4 entitled," these are the words of Henry Spence, chair-  
5 man of the Northern Flood Committee when he was  
6 speaking to the Minister of Indian Affairs at Cross  
7 Lake on June 25, 1974.

8 Spence, a Cree, said that  
9 encroachment on Indian land by flooding or by changing  
10 its nature was a violation of the Indian Act by the  
11 Manitoba Government and by Manitoba Hydro.

12 But the project continues apace  
13 and only certain engineering difficulties have kept  
14 hydro from opening the floodgates already this year.

15 The scope of the project has  
16 also been scaled down in a couple of instances, the  
17 most dramatic being at South Indian Lake where initial  
18 plans called for the flooding of most of the community  
19 and drastic alterations in the ecology of the whole  
20 area. The flooding now will involve changing the  
21 Cree village substantially. Fishing, the major source  
22 of the village's livelihood, until the advent of the  
23 hydro project, has been destroyed, as have many trap-  
24 lines.

25 This community until now  
26 economically independent on the basis of its whitefish  
27 industry, is now largely on welfare. Its pride, indep-  
28 endence, and traditional way of life are effectively  
29 finished. How, the Northern Flood Committee asks, can  
30 one receive compensation for such a change?





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Also changed was a project structure on Lake Winnipeg which would have affected a number of cottages belonging to white people from Winnipeg. Immediately controls over this flooding were instituted and the cottages saved.

This apparent disparity in the treatment of the playground of southern whites and the homeland of northern natives raises interesting questions.

The five communities we have mentioned are represented by the Northern Flood Committee, a coalition trying to represent the rights and demands of the people of the area affected. The Manitoba Government has been extremely reluctant to deal with a unified and vocal group, preferring instead the less onerous and less expensive method of compensating individual trappers and hunters. The divisiveness of this policy is apparent.

Nelson House Reserve located on Footprint Lake, some 60 miles from the mining and smelting Town of Thompson, Manitoba, is expected to be one of the most seriously affected reserves. No one can obtain the secret documents of Manitoba Hydro delineating the exact nature of the flooding, but most experts estimate it to be some 4,000 acres of the reserve with water levels raised by perhaps 17 feet. With ice jams in the spring, flooding could go as high as 30 feet.

The key here is that no one, including Hydro, knows precisely what will happen. The people, some of whom still live off the land, don't



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1 know. They do know, however, in their innermost  
2 feelings -- in their guts -- that things have changed  
3 and will never again be the same. Water levels have  
4 fluctuated. The source of their drinking water "stinks",  
5 we were told, and the fish are unfit to eat.

6 Everyone in the community was  
7 frightened. The school would be flooded, one said. "No,"  
8 another said. The community will be cut in three, some  
9 feared. Hepatitis outbreaks were blamed on the water.  
10 Diarrhea was common. The nurses could not allay their  
11 fears.

12 Nelson House, we know, was a  
13 happy cohesive community. Now it is a frightened, sullen  
14 place and no one there knows what to do.

15 It is clear that some 4,000  
16 acres of their land will either go under water or be  
17 drastically altered by the scheme, and other communities  
18 are seriously affected.

19 Is not the action of the Nelson  
20 Churchill River diversion scheme expropriation by  
21 flooding? The question returns to the responsibilities  
22 of the Indian Act, under which the Minister is made the  
23 trustee of the interests of Indians. Could any other  
24 trustee get away with such wanton neglect of the inter-  
25 ests of his beneficiaries? Surely the legal requirement  
26 of ministerial consent as a condition of expropriation  
27 is intended to impose an obligation on the Minister to  
28 ensure that the interests of Indians are given their  
29 full weight in such cases. No doubt the Department will  
30 try to hide behind the legal niceties of expropriation



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1 procedures. However, in Northern Manitoba it is clear  
2 that the interests of native people and the Department's  
3 role as trustee for those interests were cynically  
4 shrugged off for nine years. When help came, it was  
5 too little and too late. When the Dene of the North-  
6 west Territories hear Arctic Gas argue that it can  
7 resort to the expropriation powers granted under the  
8 National Energy Board Act, they should take no comfort  
9 from the record of the Department of Indian Affairs in  
10 Northern Manitoba; the Dene will have to rely on their  
11 own efforts.

12 Despite pleas from the  
13 people of these communities, it was not until June of  
14 last year that the Northern Flood Committee could persuade  
15 the Minister that they even had a case. The next step  
16 was to ask for further information from the province  
17 rather than institute legal action against the province.

18 The situation to date is that  
19 engineering problems have delayed the flooding, offi-  
20 cially at least, from late 1975 until August of this year.  
21 Premier Schreyer has promised to institute "meaningful  
22 negotiations" so for the time being the legal protection  
23 of the land has been postponed due more, we suggest, to  
24 engineering difficulties than the protection of native  
25 rights.





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The pattern repeats itself.

The plans were conceived in the south for the south. The motive was more and cheaper hydro for the south. The people first knew about the threat to their land when the surveyors arrived, when the stakes and lines appeared on their lands, when the rumours started to fly.

The studies which were commissioned were rarely made public; the impact was accidentally or deliberately downplayed. The infamous "Lime Green Brochures" so named because of the hideous colour of their covers, issued by the Premier's office in January of 1975 were the first official word many of the communities received about the effects of the diversion on their homes. Yet the agreement between Ottawa and Winnipeg was signed in 1966, nine years previously.

The content of the brochures themselves indicated part of the pattern. The people were given first some good news and then some bad news.

First, the bad news. In the public interest nine years after the decision was taken, we must tell you that some of your land, your docks and trap lines will be flooded.

Many of the animals will move away and the fish will die, but you will get some compensation. One trapper told us in Nelson House of getting \$700 for his cabin and the next day Hydro crews pushed it over with a bulldozer. "Why?", he asked us.

The good news followed. Because of the increased availability of electricity in the north from the project, the people could now have color



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T.V. and direct dial telephones.

Northern Quebec. Perhaps the most tragic example of all the massive projects on the life and future of northern natives is to be found in Nouveau Quebec. Tragic because the 6,000 Cree and 4,000 Inuit fought so hard, lost so much and ended up with a settlement now being heralded as a model for all future land claim settlements, including the Dene land claim here in the Mackenzie District.

Once again, the same pattern emerges when we look at the James Bay project and its effects on the indigenous people.

Very few of the Cree and Inuit speak any language other than their own, and fewer still speak French, so when Premier Bourassa unveiled his project before an election audience in 1971, the people who would ultimately be the most seriously affected were completely unaware of this momentous event, for they lived many hundreds of miles to the north.

To suggest to the Cree hunters that their rivers would dry up, their estuaries turn into saline swamps, the birds and animals change their habitats and the fish spawn elsewhere was so remote as to be incomprehensible. The people still lived much as they had for years. The land was their life.

There were no treaties here despite the fact that under the Boundaries Extension Act of 1912, Quebec was to have settled land claims with the indigenous people at that time in return for receiving some 400,000 square miles of northern land from the





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Federal Government. A similar situation existed in Ontario, but there treaties were negotiated.

Aboriginal rights were never extinguished, the people lived in their traditional ways. No one in the rest of Quebec paid any attention to the northern natives for nearly fifty years. They were wards of Canada, loyal to the Anglican church and with little interest or understanding of the political process in Montreal and Quebec City.

Even after the announcement in 1971 there was no immediate move by the government to negotiate a settlement. No handful of natives was to be allowed to stand in the way of the mighty plans. It took heavy pressure from Indian organizations in Quebec and Ottawa to remind the then Minister of Indian Affairs, Jean Chretien, of his constitutional responsibilities and even stronger pressure on the Quebec administration to before any attempt was made to settle Indian rights.

In fact, it took the courts to force the politicians to the negotiating table. Only when total shut-down of construction was imminent, did a proposal to negotiate come forth but in the meantime, work was proceeding on the diversions and dams at a rapid pace.

By the time an agreement was reached to begin negotiations in late 1974, the James Bay hydro development project was irreversible. One year later on November the 11th, 1975, the Cree and Inuit reached a settlement which has only just been ratified by the residents of the north. It appears to



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be different from the treaties negotiated at the end of the last century, but its philosophy remains the same.

The Crown extinguishes all claims by the Cree and Inuit to the land and in return, gives them monetary compensation, hunting, fishing and trapping rights and some land similar to reservations in other parts of Canada.

Senior negotiators we have discussed this settlement with agree on one main point. After the heavy costs and emotional exhaustion of the long injunction hearings in 1974, and the subsequent agreement in principle, it became clear that the two levels of government plus the combined weight of Hydro Quebec, the James Bay Energy Corporation and the James Bay Development Corporation -- all Crown corporations -- were united in the understanding that the project must go through. In the public interest, it could not be stopped.

Some modifications were agreed to and the process of discussion started. From the outset, it was clear we were negotiating with a gun to our heads, Charlie Watt, president of the Northern Quebec Inuit Association told us.

"The idea was to get the best we could in one year, the deadline imposed by the governments." It was clear that no further government funding was to be available for Court actions. It was clear that the Quebec courts were unsympathetic to the stance of aboriginal rights in the face of the multi-billion dollar cost to the Quebec treasury. It was also made clear that the Federal Government was committed to a policy of



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extinguishing aboriginal title and the natives believed that if they did not negotiate a settlement that one would be imposed on them.

Only a few weeks ago we visited the 15 Inuit communities of Arctic Quebec. In some, there is outright hostility to the settlement. In others, apathy. In still others, a determined attempt to live within the terms of the agreement. But no one of them understands why, out of the blue, less than five years ago, a political decision taken in a place as remote to most Cree and Inuit as central Africa has changed their lives beyond recognition forever, and no one bothered to ask them how they felt. It was deemed to be in the public interest.

The Inuit were not seriously faced with the immediate affects of the James Bay project, but Ottawa insisted on a settlement for the whole area and they are the first of their race ever to negotiate and settle a land claim with the Canadian Government.

Again, we find an enormous, secret, unstudied energy project has been unleashed on the people and the fragile environment of the north and no one, including the Quebec Government knows what the long-term impact on the people and their land will be.

Mr. Commissioner, we could go on to describe the situations in the development of the Athabasca tar sands of northern Alberta, the beginnings of future hydro projects in northern Saskatchewan and of course, that appalling disaster among the Indians of





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northern Ontario and northern Quebec who are victims of incurable mercury poisoning. The patterns repeat themselves endlessly as technological society makes its encroachments further and further north. Some native people move deeper into the bush to escape. Others try to cope with an alien cultures. What has been the result, Mr. Commissioner?

A race of people exists in Canada today that is 50 to 60 percent unemployed. More than 25 percent of the budget of the Department of Indian Affairs and Northern Development is for welfare. 94 percent of Indian students in Canada, and the figure is higher in the north, drop out of the school system entirely.

The grandiose projects outlined in this submission and the grandiose projects before this Inquiry all carry with them promises that jobs will be found for the native residents of the north. Predictably, a similar claim is made here by the pipeline companies. In James Bay where the work-force has been estimated at nearly 7,000 people, fewer than 100 natives are employed in construction and most of them in the most menial of jobs.

In Manitoba, only a handful are working on the project and in B.C., only one saw mill has moved to integrate its work-force. In the three provinces mentioned, where Indian people make up less than 10 percent of the population, they constitute more than 60 percent of the population of jails and prisons and the great majority of their crimes are related to



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alcohol.

One almost hesitates to turn to the ravages of alcoholism among native people and the attendant breakdown of traditional values. That alcoholism is almost epidemic among southern white society is no longer arguable, it is considered to be a fact.





But among native people who lose for the first time their land-based economy and are forced into the wage economy in the construction phase of a huge development project, the results are inevitably disastrous. From a small, closely-knit and cohesive community people are herded into larger, more easily administered villages. The land will not support all these people so the wage economy is thought to be the answer. If one shock to the system doesn't work, the treatment proposed is more shocks. Lacking the skills of southern white construction workers, both in technical aspects and in working habits, the native person is usually relegated to the most menial of tasks and is treated with barely disguised contempt by his co-workers.

Unable to fit into this highly competitive and almost totally foreign environment, he drifts back to the community where few jobs are available, and the land often unsuitable for his traditional way of life. The result is welfare, boredom, lack of identity, and the inevitable drift into alcoholism.

Native people we talked with in these project areas time and time again told us that alcohol and welfare were the white man's most effective tools for assimilation. Leadership was too often destroyed by these twin "rights", and a people superbly conditioned to the land, the climate, environment and community around them suddenly found themselves aliens in their own territory.

On the other hand, we were



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1 faced with the response of well-motivated, but perhaps  
2 ill-informed social workers and sociologists who in-  
3 sisted that native people, being theoretically equal,  
4 had the right to the same access to alcohol and welfare  
5 as the white man. Consequently, in communities where  
6 native people attempt to impose some regulations on  
7 themselves, they were frustrated by interpretations of  
8 existing liquor laws which they themselves had never  
9 formulated, and which were enforced by white people.

10 Increasingly we heard from  
11 young Indian leaders that alcohol and welfare would  
12 destroy what disease, neglect, and starvation had  
13 failed to do in the past.

14 The construction towns and  
15 base areas for these three projects we have described  
16 invariably are located within, or close to, large  
17 concentrations of Indian people. Terrace and Prince  
18 Rupert in B.C., Thompson in Manitoba, Matagami, Chibou-  
19 gamau and Mistassini in Quebec, all have their similari-  
20 ties. The white man's image of the dirty, lazy, shift-  
21 less native person too often results from a basic  
22 racism which is rampant around construction camps and  
23 towns. Yet this demeaning portrait is often, we were  
24 told, fostered by the very minority of native people who  
25 are seriously attempting to survive. Clearly, when  
26 examples of native people struggling to win equality  
27 or political power are exhibited, the white population  
28 greets these attempts at self-determination with growing  
29 hostility. To our knowledge, there are concerned people  
30 here in the north who would say that the phenomenon we



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are describing sounds very much like Fort Simpson or Hay River or Fort Smith or Inuvik, or here in Yellowknife.

Alcoholism and irresponsibility, a priest in Northern Quebec told us, are firmly fixed in the mind of white people as typical behaviour by natives. The image enables whites, he said, to ignore the injustice and provocation with which they treat native people. Often employers are able to dismiss native people as "irresponsible drunks" and thereby justify what appears to us to be racist hiring practices. Native workers, this priest told us, go along with that image in hopes of salvaging a few jobs, knowing they can never compete on an equal footing in these construction camps and staging areas.

The fact that it was white construction workers who almost totally destroyed the LG-2 construction camp in the James Bay project and without benefit of alcohol, some 18 months ago, is conveniently ignored when these discriminatory practices are raised.

A medical doctor in Northern Manitoba confirmed the destruction wreaked by drinking.

"Any comment I could make on the health problems -- both physical and mental -- of the Cree people in this area,"

and he was referring to Thompson,

"must take almost total account of the ever-increasing use of alcohol. With improvements in transportation, more permissive liquor laws, and increased welfare benefits, there





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are few, if any, communities in the whole project area where alcohol is not the most serious problem."

It is a question in our minds whether welfare or alcoholism is the most pernicious form of repression in the north. Certainly welfare keeps people passive anywhere, and in the north turns people into captives of the economic treadmill they find themselves on.

As more and more people move into larger settlements where job opportunities do not exist and a land-based livelihood is impossible because projects and environmental damage have driven the game further away, a paternal government has instituted a welfare system that has tended to destroy almost completely the traditional way of life.

One reason, of course, is the almost slavish imitation of the southern bureaucratic processes which treats anyone not a wage earner as either unemployable or disabled, when in reality that person still derives much of his subsistence from the land. But welfare policies and procedures we found across Canada drive native northerners into almost total dependence. For easier administration, people are "bribed" into larger communities by offers of "free" housing, and once there, are further "bribed" by making administration simpler if they claim total dependence.

The second reason, of course, is many years of believing, first from the churches and later from the bureaucrats, that the white man's role



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is to care for native people economically.

Is it not time to recognize that no one else can, or should, take care of a people economically, that people must take care of themselves if there is to be development worthy of the name? True, it is easier said than done, but it cannot happen unless it is allowed to happen. The Dene of the Northwest Territories feel strongly that a pipeline prior to a land settlement will hopelessly prejudice their claim. Is not the worst prejudice that they risk being denied the opportunity to work out the community-based alternative that they are just now beginning to articulate?

Mr. Commissioner, a great deal of our time has also been spent in the Northwest Territories in the area where your Inquiry is of special interest. In this attempt to draw parallels of the impact on northern native people of massive industrial-style developments we have purposely stayed away from the details of the situation here since you are already very familiar with it.

But we believe the Dene people understand only too clearly that the same impact faces them, and that the consequences of the extinguishment of their aboriginal rights are enormous, for the same forces of social breakdown prevail here as elsewhere.

In every case we have investigated, including this one, project proponents have acknowledged that there will be serious problems. But they have tended to minimize these problems and to assure the native people that a benevolent and all-powerful government



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coupled with enlightened corporations will deal with these problems in a fashion calculated to improve the lot of northern natives.

The power of the government is obvious, but its benevolence to be candid, is very much in doubt. One cannot fail to be impressed by the evidence compiled by Professor Dosman in his book,

"The National Interest"

to the effect that the Federal Government long ago made up its mind about an oil and gas pipeline down the Mackenzie.

Moreover, David Crane in the "Toronto Star" of October 16, 1975, in an article based on Dosman's findings, concluded that,

"government strategy ... was to get pipelines built as quickly as possible, before native groups could organize effectively."

The tactic was one of,

"delaying negotiations with native groups until the pipelines were built and oil and gas development well under way."

The Science Council of Canada in its study on northern development criticized the government's Mackenzie Valley Pipeline plan because,

"it ignores environmental concerns and the effect the massive petroleum development will have on native culture in the north... All the native people can do now is react to the decision... They have never been regarded as equals and never been brought into the decision-making





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process. It's time that people concerned in these things, like the native people, get a say before commitments are made."

A quote from the "Globe and Mail", January 30, 1976.

It may be that the government will be forced to change its mind, but it seems clear that the onus lies on others to raise troubling questions. Certainly native people can properly assert that they cannot rely on the government to protect their interests; indeed, they cannot even rely on the government to be impartial in mediating between the interests of themselves and the developers.

As to the corporations, everywhere they promise jobs, but their capacity to deliver typically falls short of the promises. Even where the jobs do materialize, we cannot ignore the repeated statements of native people that they do not want to be integrated into the white man's wage economy.

Finally, as one Cabinet Minister in Quebec put it with complete seriousness,

"We are only hastening a process that is inevitable, so why not allow the natives, in this case of James Bay, to enjoy the benefits of high wages ten years sooner?"

That same week in Fort George, five construction workers took two Cree girls out of the settlement, raped them repeatedly, and left them to die. When their relations went after the men with rifles, outraged whites talked about the violent and savage Crees.



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I think, Mr. Commissioner, this is a parallel incident to the one I have just been reading about in Fort, Norman Wells, where in September of 1975, following a party on a barge operated by Northern Engineering Services, two Indians, John Gardebois and Leonard Bernard, died. Gardebois died of blood loss due to a blow to the head; Bernard died of drowning. A Coroner's Inquest could not establish the causes of death beyond the immediate medical cause. Northern Engineering Services are a consultant to Canadian Arctic Gas Pipelines Limited, and were doing soil testing from the barge along the Mackenzie River for the preparation of the pipeline's wharf sites and dock facilities. Joseph Schnitzer, an employee of Northern Engineering Services, was stabbed during a fight on the barge. Gardebois was a trapper from Fort Good Hope who was visiting Norman Wells. Bernard was a hand on the companion barge. He was from Aklavik. Their bodies were found floating in the Mackenzie River three weeks after the incident. The R.C.M.P. has closed the investigation, but I wonder if this can happen before a pipeline has started, whether it bodes very well for the future?

In concluding, Mr. Commissioner, we believe that the parallels we have outlined are self-evident. They exist in the areas which, for the most part, are clearly northern and obviously the projects bear unmistakeable similarities in terms of their impact. We would like to ask your indulgence a little further to list these similarities because we believe they also apply to the proposed Mackenzie Valley



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Pipeline.

The projects are all planned seriously at the outset, developed outside the area concerned, and announced as if they were final decisions. There is no regional input in planning, nor participation by the people most directly affected, in the critical initial phase.





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Without exception, they involve native lands that are protected by the Indian Act or are still unextinguished aboriginal lands.

The projects invariably are enormous in scope, involving billions of dollars, thousand of outside laborers and are environmentally hazardous. They are put together with the full participation of Federal and Provincial or Territorial bureaucracies, usually involving people with no direct accountability to those within the affected area .

Invariably, these projects rely heavily on American or other foreign markets and capital investments. They are without exception extremely socially disruptive. Often, they are badly planned from technical points of view and again without exception, costs double and triple beyond original estimates because hasty planning requires endless modification and costly delays.

There are two final points to be made in this catalogue of horrors.

First, without exception when these parallels are drawn to the attention of governments and corporations and they forced to acknowledge their mistakes, the response is always that it is in the greater public interest that we have decided to proceed notwithstanding all other problems.

Secondly, we have reached the conclusion based on our experience in the north and our journalistic skills of observation and investigation and our contact with people in other underdeveloped



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areas of the world, particularly Africa and Asia, that the human concerns of the indigenous people seeking some form of self-determination are always secondary to the profits of industrial developers. The projects outlined in this paper invariably have tremendously adverse affects on the culture, lifestyles and aspirations of the native people. Any attempt by them to break this pattern is inevitably branded as the action of a few radicals.

Finally, Mr. Commissioner, may we be permitted to raise a question which everyone must answer for themselves and should not permit anyone else to answer for them? It concludes our evidence since it is the ultimate issue raised by what we white southerners are doing to northern native people.

Is it true, we asked native people across the north, that we in the south who are rich indeed, materially by your standards, are we robbing you of your scant resources for our benefit? Most replied with an unequivocal "yes".

So, it seems to us that we are determined to get the benefits of the Churchill River diversion regardless of the costs to the people of Nelson House. We are determined to sell Quebec Hydro to northeastern United States regardless of the impact it has on the people of Rupert's House. We are determined to build the C.N.R. through the Nass Valley regardless of the wishes of the Nishga nation.

Are we then determined to build the Mackenzie Valley natural gas pipeline regardless of the cost to the Dene people?



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The dilemma, we suggest cannot be resolved merely by asserting that the public interest of an allegedly energy hungry economy must override the wishes of a small group of people who wish to preserve their way of life and that every effort will be made to minimize impact.

For can the public interest ever be served by riding roughshod over others rights? Are we really prepared to risk the cultural genocide of others for a small improvement in our own conveniences?

The question that must be answered is whether or not the proposed pipeline is defensible from an ethical and human point of view. If it is not, and that is the position that our work and thought has personally led us to, then we suggest it is not in the greater interest of all Canadians.

Thank you Mr. Commissioner.

THE COMMISSIONER: Thank you Mr. McCullum.

MR. BELL: Now Mr. McCullum can I just ask you to turn back to page 24 of your testimony? In the last paragraph on that page, I believe you said the projects are all planned seriously at the outset. Did you mean to say "secretly"?

A I have "secretly" in my text.

Q You meant to say "secretly".

A Yes, I meant to say "secretly".





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Q Thank you.

I'd now like to call on Mr.  
Jones to read his testimony.

WITNESS JONES: Thank you  
Mr. Bell.

"This shining water that moves in the streams and rivers is not just water but the blood of our ancestors. If we sell the land, you must remember that it is sacred and you must teach your children that it is sacred and that each ghostly reflection in the clear water of the lakes tells us of events and memories in the life of my people. The water's murmur is the voice of my father's father."

Chief Seattle of the Duwamish  
League in 1854.

I am a Git-shan from the Upper Skeena River Valley. As the chairman of the Git-shan--Carrier Tribal Council, I represent 3500 status Indians of my region. Within the last hundred years, experience has taught us how important it is to have a land claim settlement before a development thus we fully support the Dene Declaration.

Mr. Commissioner, I hope I can relate to you satisfactorily how negative social, economic impact encompasses our area and people because we did not have a land claims settlement prior to development.

Before the influx of outsiders (white men ) with their culture of acquisition and development, our people led a very structured communal existence



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in which our livelihood was in harmony with nature and we were self-sufficient and independent. We did not oppose development nor are we opposed to development, but we are opposed to the ways in which development has taken place and continues to take place. That is, without our consent and participation.

Throughout the development in our area, our people were more or less pressured to remain on their respective reserves. These reserves were designated by the government without our consent while the remainder of our lands were being utilized by outsiders. We are, therefore, a good example of what happens when there is development before land claims are settled.

The first major development in our area was the Grand Trunk Railway, now the C.N.R. The process of laying out the route further reduced our already small reserve lands.

In the period of exploitation, few of our people ever reached a level above menial labor but more damaging were the methods employed in the construction of the railway. It left extensive environmental damage not to mention the loss of a number of archeological sites that were partial proof of our habitation here since time immemorial.

After the railway came, the highway to Prince Rupert, B.C. Both routes cut through our hereditary hunting and fishing areas but to date, we have not received a penny of compensation or commission from the value of goods carried through our homeland.



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Mr. Commissioner, as you are well familiar with our province, you know that it is blessed with vast forest resources.

Prior to the introduction of large tree farm licenses to the few multi-national corporations (again we were not made aware of nor were we participants in these decisions) a number of our people along with northern white homesteaders had a small saw mill operation which employed a number of local workers. The harvesting of timber was done with less damaging effects in comparison with the clear-cutting done today by the companies.

Along with the gentle harvesting of timber, our people were content with this employment and there was a lot more harmony in the communities. However, with the tree farm licenses held by the big companies, a more rapid and sophisticated method of harvesting timber was introduced. It required less manpower, thus putting a number of our people on social assistance. Although some of the big companies have recently made efforts to train our people on some of their machines, the majority are still on welfare.

A greater injustice is our not receiving any royalties. This is mainly because our land claims are not settled. Our Tribal Council is presently putting together a package for land claims negotiations before all our natural resources are extracted.

On this note sir, I would like





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relate to you the experience of our band Kitsegukla had in trying to have a say in matters concerning the timber in our particular hereditary lands. The company involved in the area intensified their harvesting which alarmed our hereditary chiefs because a number of the hunting and trapping areas were laid bare by the clear-cutting.

Efforts to communicate with the government departments involved were of no avail to our hereditary chiefs -- pardon me so our hereditary chiefs had no alternative but to put up a roadblock leading into the valley involved. After a period of over a month, the pressure from people unemployed through our actions finally got the government and the company to meet with us. Through these meetings we hope for an opportunity to create employment for our people by harvesting timber from our hereditary lands. Again, all of the needless conflict and animosity created between our people and the local employees and their families from the mill could certainly have been avoided if there had been a land claim settlement.

The clear-cutting in our area has resulted in the almost total loss of traditional livelihood for a number of natives in our area. Trapping was a good seasonal income for a number of people who fished in the summer (commercially) and trapped in the winter.

For some, trapping was their main source of income. Clear-cutting certainly exposed a number of the trap lines which were handed down through



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our hereditary system.

Through this method of timber harvest, the fur bearing animals normally in abundance to sustain a trapper are fewer in numbers because of disruption in their natural habitat. Because of this, trappers abandon the use of their traplines and leave them dormant. Belatedly, some trappers are informed that they can get compensation if proper records of their income from trapping can be accounted for prior to their lines having been decimated by clear-cutting. However, I have not heard of any natives in our area compensated because they did all not keep the proper records required.

The increase in population in our area has also led to a shorter and shorter hunting season. This is understandable for conservation purposes, but it certainly limits our privilege to exercise our aboriginal hunting rights.

Also the system on which we hand down our hereditary hunting and trapping lands at times conflicts seriously with the manner in which the Canadian laws are exercised. For example, our hereditary titles and lands are passed down through a matrilineal method. A recently deceased Chief's title and lands will be given or handed down to a sister, brother, niece or nephew, but not to his son or daughter who are normally of another crest.

The Canadian laws, however, have the immediate family the beneficiary of the deceased's estate. A number of times the Conservation and Wildlife



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people would practice the latter method with registered traplines. The recipients of the registered trapline would then sell it to a non-Indian and the rightful owner or new Chief, under the matrilineal system, would be left with nothing. A proper land claims settlement could probably combine the best of the two judicial systems.





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Another traditional way of making a living is fishing. In fact, "Fishing, for Indians, is their ham and eggs", remarked a high ranking Federal Fisheries officer once. Sorry to say but the state in which our people are in, after restrictions of fishing licences, closing of canneries, stringent vessel regulations, and limited food fishing leaves us with nothing; not even the dry yolk from the eggs. The

native people of B.C. played a prominent role in building the fishing industry to what it is today and our people were very much part of that industry.

The companies merged to form larger companies. In so doing, they closed down canneries while automating the few canneries left, with little regard for the native people that they put on unemployment and eventually on the welfare rolls. Our people are not only unemployed but were not given an opportunity to earn income in another field, let alone retrain for another type of employment. Would this insensitive act be permitted if our land claims were settled?

One of the largest modern developments in the Pacific Northwest is the aluminum smelter plant in Kitimat, B.C. Tremendous amounts of energy are required for the plant to produce aluminum. Rivers are dammed and lakes flooded so that electricity can be produced for the plant. I have not heard of any natives being compensated for aboriginal lands flooded and hunting areas disrupted through damming of the rivers.



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1                   The Town of Kitimat is an  
2 instant town because of the aluminum plant, but the  
3 ratio of native peoples employed there is still small  
4 in relation to the present overall population. Kitimat  
5 also has a pulp mill, and rumor has it that a steel  
6 mill might be built there. Again these decisions are  
7 made in secrecy by the governments and companies in-  
8 volved.

9                   Along with development and  
10 increased population comes government-oriented organiza-  
11 tions such as Regional Districts, School Boards, etc.  
12 These organizations are composed of elected representa-  
13 tives. Only recently some of our native people have  
14 been on these Boards; for years we were not allowed to  
15 vote, but our minority populations would have made  
16 little difference. The decisions of these Boards  
17 certainly affect us. Take for example the Regional  
18 District. Among other things, they plan the development  
19 in the immediate area of their jurisdiction with no  
20 consultation with the natives in regards to the lands  
21 in question.

22                   As for the School Boards, it  
23 seems that their only interest in natives is for the  
24 financial grants from the Federal Government. These  
25 grants represent the share of costs of native students  
26 attending provincial schools.

27                   Having mentioned it before,  
28 Mr. Commissioner, our people had a structured, stable  
29 communal environment before the influx of white people  
30 and development. Now our communities are dependent on



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"band-aid" job creation programs from the Federal Government. We do not share in benefits that our white community counterparts enjoy from taxes and natural resources in our province, although we pay almost all the taxes that are levied.

The past pattern of development amongst our people leads me to assert that promises of government and companies that new development will be good for us cannot be believed. There should be no more development in the north until land claims have been negotiated.

In conclusion, Mr. Commissioner, in the year 1976 our people have a railway and a highway going through the village, the Town of Smithers, 65 miles to the east, the Town of Terrace 70 miles to the west, are both serviced by major airlines. Both are prosperous communities. Closer to home we have the Hazeltons with a sawmill that is the principal employer for us despite the mill's uncertain future. Meanwhile, my particular band (Kitsegukia) experienced a 47% increase in social assistance for the fiscal year 1974-75, and we are projecting an additional 60% increase during the fiscal year '75-76. The latest increase stems from last summer's tieup in the fishing industry and the prolonged strike in the logging industry.

On behalf of the Git-shan-Carrier Tribal Council, we do not wish as fellow human beings that such an unstable existence be imposed upon the Dene. Building the Mackenzie pipeline before a just land claims settlement will inevitably lead the





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1 Dene to this kind of unstable existence.

Further words from Chief  
Seattle of the Duwamish League:

4 "We know that the white man does not  
5 understand our ways. One portion of land  
6 is the same to him as the next, for he is a  
7 stranger who comes in the night and takes from  
8 the land whatever he needs. The earth is not  
9 his brother, but his enemy, and when he has  
10 conquered it he moves on."

11 I ask you, Mr. Commissioner, is there any evidence that  
12 the white man has changed his ways?

13 Thank you.

14 THE COMMISSIONER: Thank you  
very much, Mr. Jones.

MR. BELL: Mr. Richardson?

17 WITNESS RICHARDSON: Mr.

18 Commissioner, I very much regret that I have to read  
19 this to the Commission. As a former journalist I've  
20 spent many years covering Parliament, I realize that  
21 a speech that is read is almost invariably more boring  
22 than one which is not read, and perhaps as a former  
23 Parliamentarian you might have come to the same  
24 conclusion. If you didn't, you probably have come to it  
already through this hearing.

26 Unfortunately I don't have  
27 that facility which General DeGaulle had, to recite  
28 by memory a 45-minute speech, which I once heard him  
do. So I think I'll have to borrow a traditional  
statement of the Speaker of the British House of Commons



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1 when he returns from another place with a copy of the  
2 gracious speech, and say that I have for the greater  
3 accuracy obtained a copy of my submission and with your  
4 permission I'm afraid I'll have to refer to my notes.

5 THE COMMISSIONER: Please do.

6 Let me put it this way. You referred to General DeGaulle.  
7 I hope <sup>that</sup> if you were considering giving this speech with-  
8 out notes you were going to do it in English and not  
9 in French.

10 A Yes, actually I wasn't  
11 comparing myself to General DeGaulle. I am going to  
12 speak in a little more detail about the James Bay  
13 hydro-electric scheme. I almost said "scream", the purpose  
14 of which is to create electricity to meet what are  
15 conceived to be the needs for energy of the southern  
16 Canadian and United States societies in the next quarter  
17 of a century. The scheme was announced by the Premier  
18 of Quebec in April, 1971, and later that year an Act was  
19 passed by the Quebec Legislature setting up the James  
20 Bay Development Corporation, which was charged with the  
21 planning and management of all future development in  
22 James Bay, and creating the Municipality of James Bay,  
23 an area of 133,000 square miles of land east of James  
24 Bay. The development corporation was to create subsid-  
25 iaries to control various aspects of development --  
26 hydro-electricity, tourism, forestry, mining, and so  
27 on -- and the priority was to be given to the hydro-  
28 electric development for which the James Bay Energy  
29 Corporation was established, partly owned by Hydro-  
30 Quebec and partly by the James Bay Development Corporation



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although I believe it is now wholly owned by Hydro-Quebec. One clause in the empowering Act provided that nothing in the Act should affect the rights of Indian communities in the territory, but in the early stages no other recognition was given to the fact that the entire territory was unsurrendered, Indian-occupied land, and it was assumed that the province had the right to build the project, and any other project in the territory without reference to the Indians or to their rights.

While the Act was passing through the Quebec Legislature, in the summer of 1971, representatives of Indian communities held a meeting -- in fact the first meeting ever held by the Cree people of James Bay in the many thousands of years of their history -- at which they asked the Minister of Indian Affairs to defend them from the intrusions of the Quebec Government on their land, because as they said, "only the beavers have the right to build dams on our territory."

This was the beginning of a process of opposition which led the Indian and Inuit people of Northern Quebec into Superior Court in Montreal almost 18 months later in an attempt to obtain an injunction to bring the works to a halt, and to end the trespass of the Quebec Government on the Indian lands.

The intervening 18 months between that decision and going to Court was spent largely in fruitless negotiation with the Quebec Government and the James Bay Development Corporation about the project.





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1 These negotiations were undertaken at the insistence  
2 of the Federal Government, which held that Quebec had  
3 an undischarged responsibility to treat with the Indians  
4 under the terms of the Boundaries Extension Act of 1912,  
5 when the last part of the former Hudson's Bay Company  
6 Territories in Northern Quebec were transferred to the  
7 jurisdiction of the Province of Quebec. In this legis -  
8 lation the province undertook,

9 "to recognize the rights of the Indian inhabitants  
10 of the territory above-described to the same  
11 extent, and will obtain surrenders of such  
12 rights in the same manner as the Government of  
13 Canada has heretofore recognized such rights  
14 and has obtained surrender thereof..."

15 In spite of this undischarged  
16 obligation, the Province of Quebec had in effect begun  
17 to build the hydro-electric project almost from the  
18 moment of its sudden and unexpected announcement. The  
19 first summer was spent in intensive geological and other  
20 technical explorations, and an early beginning was made  
21 on the infrastructure of roads, airports, camps and so  
22 on needed for construction. In the early months of 1972  
23 the province refused to negotiate with the Indians about  
24 the project itself, but was willing to discuss possible  
25 impacts on Indian life, and in that summer the Indian  
26 Association sent a team of scientists into the James  
27 Bay area in an effort to obtain, in a form that was  
28 acceptable to the government, information that was  
29 actually already well-known to the Cree and Inuit people  
30 themselves, about their dependence upon the renewable



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resources of the La Grande River where phase 1 of the project had already been started. I accompanied this Task Force as a film-maker.

The conclusion reached by this Task Force was that the native people depended on the renewable resources of the river, that these resources would be destroyed by a huge scheme such as that proposed for Phase 1, and that the native life could not co-exist with such a scheme. They suggested that the scheme, if scaled down, might be acceptable, and in particular asked that LG-1, the power plant scheduled to be built across the first rapids of the La Grande 23 miles inland from Fort George, beginning in 1978, should not be built because of the dependence of the Fort George people on the whitefish they caught there, or at least should be moved to another location. The authorities refused to discuss any of these suggestions, denied the existence of a viable hunting culture of dependence on country food, and suggested many alternatives such as artificial spawning ponds, transplantation of the threatened beaver and other animals, importation of beef from the prairies through Churchill to replace caribou meat, and various other things, all of which suggestions were considered by native negotiators to be totally irrelevant to the basic problem, which was the threat to their way of life and culture. Not only totally irrelevant, but they were actually quite ridiculous.

In October of 1972, the native negotiators who had been counselled to extreme caution by their advisors, wearied of the obstructions to



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1 meaningful negotiations, finally obtained a brief  
4 interview with the Premier of the province. They obt-  
3 ained no satisfaction from him, indeed they scarcely  
4 obtained a hearing at all, and then decided to go to  
5 Court to try to stop the project. A small and poor  
6 minority with no political or economic power, they  
7 thus entered into a strange and impressive battle  
8 against perhaps the biggest single economic project  
9 that had ever been launched in North America. Arctic  
10 Gas is now trying to claim the title.

11 Well, meanwhile the project  
12 was being built. Roads, airports, camps and project  
13 lines were being constructed in land that had from  
14 time immemorial been used by Cree hunters. The damage  
15 at that point was small, but it was very real to the  
16 people who found themselves being pushed aside to make  
17 way for the new developments. Under the terms of an  
18 injunction proceeding, the Indian and Inuit plaintiffs  
19 had to try to convince the Judge that they had already  
20 been personally injured by the works carried out, or  
21 would be in the future if immediate plans were executed.  
22 The hearing began in November of 1972 and was not com-  
23 pleted until June of 1973. The Judge was not able to  
24 bring down his judgment until November 15, 1973, a year  
25 after the hearing began. During this year the construc-  
26 tion work on the project not only continued, but picked  
27 up momentum and some 1,400 men were at work on the  
28 Indian lands when the Judge issued an injunction order-  
29 ing work to stop, and the corporations and contractors  
30 to cease trespassing in the territory. Mr. Justice





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1 Malouf found that the Indian and Inuit petitioners had  
2 rights in the territory, the exact nature and extent  
3 of which he was not called upon to define, but sufficient  
4 to ensure that they had a substantial case to be con-  
5 sidered at a final hearing; and that they were justified  
6 in their apprehension of injury to those rights by the  
7 works being carried out. He found they had been occupy-  
8 ing the land from time immemorial, that they depended,  
9 at least in part, on the animals they trapped and hunted,  
10 that they had a unique concept of the land, and that  
11 they,

12 "make use of all its fruits and produce  
13 including all animal life therein, and any  
14 interference therewith compromises their very  
15 existence as a people."

16 I think a similar judgment could be made about the  
17 Indian people of the Northwest Territories. If this  
18 injunction had remained in place, the works would have  
19 been stopped, and the stoppage of the works would have  
20 been a powerful bargaining counter on the Indian side  
21 in future negotiations. The effect of the injunction,  
22 however, was suspended by the Quebec Court of Appeals  
23 a week after the injunction was issued, pending a hearing  
24 by the same Court on the merits of the Malouf judgment.  
25 The works, therefore, were resumed and the negotiations  
26 which now opened (for the first time with any degree of  
27 commitment on the part of the province) were conducted  
28 under the shadow of the devastating fact that the  
29 biggest hydro-electric project ever conceived in North  
America was being built in the Indian lands as they talked  
on.



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These negotiations now occupied the following 12 months, as the project moved into a more complicated phase and in fact became irrevocable. It now became clear to the Indian negotiators that whatever they decided to accept or reject, the project was being and would be built in their hunting grounds. They were confronted with a fait accompli, of exactly the sort which, in his judgment, Mr. Justice Malouf had denounced. During these months the Indian lawyers kept entering minor actions into Court, trying to have the injunction re-established by the Supreme Court of Canada, trying to seek permission to proceed immediately with an action for a permanent injunction -- but none of these tactics worked. The Quebec Government's initial offer, made only two weeks after the Malouf judgment was handed down (and 61 years after the government had undertaken the obligation to treat<sup>with</sup> the Indians) had been for a cash payment of \$40 million, plus later royalties of \$60 million, 2,000 square miles of reserves, a guaranteed income for trappers, and hunting, fishing and trapping rights in unoccupied Crown land. The government then also proposed modifications to the project, whose effect was to increase its size from 8,000 megawatts to 11,000 megawatts. This offer was rejected by the native negotiators on the grounds that their primary concern was to defend the integrity of their land and their way of life. In a series of meetings held around the settlements, not a single question was asked of the negotiators about the \$100 million, but a consistent concern about the land was



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1 expressed by everyone, young and old. The Premier of  
2 Quebec had appointed Mr. John Ciaccia, a former  
3 Deputy Minister of Indian Affairs in Ottawa, as his  
4 negotiator, and he said that his mandate was to ensure  
5 that Quebec should be free to develop the James Bay  
6 area, while ensuring a fair deal for the native people.  
7 Midway through this negotiation the substantive argument  
8 was heard before Quebec Court of Appeals on the merits  
9 of the Malouf judgment. I believe a very brief analysis  
10 of the argument put to this Court by the government  
11 side would help, to an understanding of the final  
12 settlement.

13 Well, having now had 18 months  
14 since the opening of the case to pull their argument  
15 together, the government side now produced their  
16 definitive view of the Indian situation in James Bay,  
17 and this was it: The Indians had no rights in James  
18 Bay. If they had ever existed, they were abolished by  
19 King Charles II when he gave the charter to the Hudson's  
20 Bay Company in 1670, and made no reservation on behalf  
21 of the Indians. None of the references to Indian  
22 rights in legislation meant that such things as Indian  
23 rights actually existed. Even the Act of various govern-  
24 ments in accepting surrender of Indian rights in the past  
25 should not be taken to mean a recognition that the Indian  
26 rights so surrendered actually existed. The corpora-  
27 tion argued that the proof in Superior Court had shown  
28 that hunting and trapping were of little importance to  
29 the Indians and "constitute perhaps a way of life for  
30 a very small number of them", and in any case the works





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1 would not interfere with hunting and trapping. The  
2 corporation said the proof had shown that animals in  
3 James Bay would be little affected by the works, that  
4 management would render the effects of the project  
5 beneficial to the environment, and that the needs of a  
6 small number of negligibly affected trappers (24 was  
7 a figure that they mentioned) had to be set against  
8 the needs of the six million people of Quebec and the  
9 likely losses of up to \$700 million if the project  
10 was to be stopped. Indeed, it was argued by the  
11 corporation that the project was the main cohesive  
12 tool available to the Cree people, because it would  
13 administer the salutary shock that would permit the  
14 Cree culture to rediscover its identity and personality.

15 With all of these arguments  
16 representing a total denial of the reality of the  
17 Indian hunting culture in James Bay, and with every  
18 prospect of the Quebec Court of Appeals would accept  
19 them, and with the mailed fist of the project strength-  
20 ening daily -- including a network of more roads, air-  
21 ports, settlements, earthworks, quarries encroaching  
22 further into the Indian lands every day -- it can be  
23 seen that the Indian negotiators had little option  
24 but to accept the velvet glove now held out to them  
25 by the Quebec Government representatives around the  
26 negotiating table.

27 There may have been among  
28 the Indians, especially the older Indians, unfamiliar  
29 with legal procedure, at one time a hope that they could  
30 in fact defend the integrity of their hunting lands



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1 and of their hunting culture; but I think as can be  
2 seen from my recital of the relative power of the two  
3 sides, this was never a possibility. The Indians were  
4 engaged in a process of surrender of their rights.  
5 Nothing less than that would have met the need of the  
6 Quebec Governm ent to be free to develop James Bay.  
7 Had the Indians entered the negotiation on a different  
8 basis, for instanœ, in the hope of obtaining  
9 authority to control the nature of development in their  
10 lands, so that they would not be simply imposed on by  
11 gigantic projects designed to meet outside needs and  
12 built by outsiders -- then it can be seen, I think, that  
13 their negotiating position would have been fatally  
14 compromised from the beginning by the continuing con-  
15 struction of the James Bay project while they negotiated.

16 (QUALIFICATIONS & EVIDENCE OF H. McCULLUM  
17 MARKED EXHIBIT 591)

18 (QUALIFICATIONS & EVIDENCE OF R. JONES MARKED  
19 EXHIBIT 592)

20 (QUALIFICATIONS & EVIDENCE OF B. RICHARDSON  
21 MARKE D EXHIBIT 593)



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My impression is that the Indians had to take what they could get. Their only alternative was to withdraw from negotiations and pursue their case after its inevitable defeat in the Quebec Court of Appeals through to the Supreme Court of Canada. This would have taken a long time. It would have contained no guarantee of success and the essential point is that the project would have continued a-building as the argument went on.

They might well have finished defeated in Court and with no settlement and no residual rights of any kind, or victorious, that with the project still a fait accompli in their lands; and always with the evident danger that the bigger the project became the larger it would loom in the consideration of the judges.

The government negotiators had a year in which to reach an agreement and a year to the day after the Malouf judgement, they signed an interim agreement with the Cree and Inuit negotiators and a year later, November 1975 the final agreement was signed. The final agreement contains 821 pages in three volumes. It contains 575 clauses and subclauses and 215 pages of schedules. It regulates just about everything that can possibly happen in James Bay for the next quarter of a century and even provides for what will happen when the Cree become extinct. Their land will revert to the Quebec Government. It is not a treaty in the normal, Canadian sense of the word but to quote "an agreement for the rational organization of the territory."





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Curiously enough, the agreement has a forward in the form of a speech by the government negotiator Mr. Ciaccia which denies every proposition held in Court against the Crees and might well have been written by one of the Indians lawyers. In his speech, Mr. Ciaccia accepts the government's obligation under the 1912 legislation. He accepts that the native minorities were battling for survival. He accepts that the native people are living in harmony with nature, that trapping is one of the principle occupations and that their way of life is not dying but is being held to by the native people as he said, "With every fibre of their being."

All of these propositions were denied in Court by the James Bay Development Corporation whose arguments were accepted by the Quebec Court of Appeal.

The objective of the agreement is to enable Quebec to extend its authority fully into its northern lands, to enable the native people to become full participants in the life of Quebec and to safeguard their traditional culture. Though the agreement is extraordinarily complicated and covers a multitude of subjects, its essence is contained in section two, paragraph one:

"In consideration of the rights and benefits herein set forth in favor of the James Bay Crees and the Inuit of Quebec, the James Bay Crees and the Inuit of Quebec hereby cede, release, surrender and convey all their native claims, rights, titles and



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interests, whatever they may be, in and to land in the Territory and in Quebec, and Quebec and Canada accept such surrender."

By this surrender, Quebec obtains the right to develop the whole of the James Bay area with some very limited restrictions in respect to some small areas of land which are to be administered in a fashion somewhat analagous to Indian reserves in the rest of the country. In particular, the agreement frees Quebec to proceed unencumbered with the James Bay Project whose works far into the foreseeable future are to be given priority over nearly all other considerations established in the agreement. In return, the native people receive three main things.

1. A complicated land regime which divides northern Quebec into three categories of land but the essence of which is that Quebec is free to develop all of the territory except for 2,140 square miles of what is in effect reserve land for the Cree, and 3,250 square miles of similar land for the Inuit. These are known as Category 1 lands.

In a further 25,130 square miles, the Cree will have the exclusive right of hunting, fishing and trapping, as will the Inuit in an area of some 35,000 square miles. These are known as Category

lands and if development is undertaken in them, the Cree and Inuit must be compensated in land or money. The essential point is that development can be undertaken in them, and in all of the rest of the lands of northern Quebec which are known as Category 3 lands.



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2. A monetary settlement amounting to \$225 million to be divided roughly 60 percent to the Cree and 40 percent to the Inuit and to be paid between now and 1996, with final payments of Quebec Government bonds maturing by 1999.

3. The third benefit obtained by the native people is participation in the management of the hunting, fishing and trapping regime, and the environmental protection regime of the whole area of northern Quebec.

Now, Mr. Commissioner, to administer this complicated system designed to defend the traditional native cultures, a complex network of 37 committees, councils, corporations, associations, boards, commissions, authorities, districts, companies and panels to operate on a territory-wide basis has been set up, with another 86 committees and corporations at the local level. That's as nearly as I could count them.

Although detailed figures are really hard to establish from the agreement, it would seem that at least 400 jobs -- or at least tasks -- and that I think is a fairly conservative estimate -- will be created for Cree and Inuit people in this administrative network; a very significant proportion of the male work force and one which compares with the 600 full time subsistence hunters which some studies have postulated as a likely future level among the Cree people of James Bay.

Now, this network has been established for the administration of 10,000 people.





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It is interesting to note that in evidence before Superior Court, the James Bay Development Corporation anthropologist Paul Bertrand prophesied that the Cree culture would break down within seven years because the people in the villages would not be ready for another twenty or thirty years to occupy the posts already created in government in their villages, and they were not capable of accelerating the process. A year later, this vast new super-structure of government is being imposed on the Cree people, a structure evidently far beyond their present capacity.

It makes one wonder if the government has not heeded only too well the warning given by Mr. Bertrand, and has decided to hasten the process of break-down, although perhaps that's too Machiavellian an interpretation. Perhaps.

While negotiating against the gun as it were and with the Quebec Government driving an extremely hard bargain on every issue since they were determined to assert their presence in northern Quebec in every way, the native people have had to accept a land regime that is so complicated as almost to defy comprehension by a layman, which I am. Quebec was not prepared to hand over responsibility for all Category 1 lands to Indians, but divided even Category 1 land into three separate types of which the Indians exercise a fairly complete control over only 1,274 square miles out of the total of 2,140 square miles, a little more than half. This is called Category 1-A land and though the ownership remains vested in Quebec, only on



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these lands do the administration, management and control vest in the Federal Government in the normal way with Indian reserves. So, these lands are more or less analogous to Indian reserves in the rest of the country.

Now, Category 1-B lands comprise 884 square miles and for their management, band councils must be formed into public corporations which will earn them outright, although by "outright", they don't really mean "outright", which I'll try and explain later. Quebec refused to allow the coastal Cree communities to choose reserve lands on the northern banks of the rivers on which their settlements are situated and these northern banks constitute yet another category called "Special Category 1-B lands" on which Quebec may make small developments without compensation and to which all provincial government agencies and mandatories shall have unrestricted access.

Lands that fall within Category 1 but are the object of mining claims, development licenses and so on, are to be regarded as Category lands, as is any land covered by exploration permits. Now though Category 1 land has already been chosen by the Cree, they were not <sup>to</sup> have a list of mining claims, licenses, concessions, leases and permits until ninety days after signing the agreement yet the area of these lands to be regarded, remember as Category 3 lands, is included in the 2,158 square miles of Category lands.

THE COMMISSIONER: Mr. Richardson, I think that we will break for coffee and I think



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this quite important, so when we come back from coffee,  
maybe you'd just begin again half-way down page 11 and  
refreshed suitably, we'll all head right into Category 1  
again.

(PROCEEDINGS ADJOURNED FOR A FEW MINUTES)





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1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COMMISSIONER: Well, carry  
on, Mr. Richardson.

WITNESS RICHARDSON: Mr.  
Commissioner, it's such a daunting prospect to plunge  
back into Category 1, Category 2, Category 3 and all the  
variations thereof that I've been wondering whether I  
shouldn't try and give you one of those sort of  
dramatic reading of the kind that we get in a soap  
opera on afternoon television or something like that.  
The only light relief that I can afford is something  
that was recalled to me by someone during the break.  
When I said that almost everything that can happen  
in James Bay in the next 25 years is laid down in the  
agreement, I wasn't kidding. Actually one of the things  
is that instructions are given on how to deal with a  
spoiled ballot paper. That is the kind of detail that  
is contained in the agreement.

However, in the hope that I  
won't send everybody to sleep with all this stuff --

MR. BELL: Well, another worse  
case example.

A -- I did remark that the  
Quebec Government were determined to assert their  
presence in their northern lands in every possible  
way and so the native people had to accept a land  
regime that is extremely complicated. Quebec was not  
prepared to hand over responsibility for all of the  
Category 1 lands to the Indians, but divided even  
Category 1 lands with three separate types of which



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the Indians exercise a fairly complete control over  
only 1,274 square miles<sup>out</sup> of the total of 2,140 square  
miles, and this is called "Category 1-A land", and though  
the ownership remains vested in Quebec, only on these  
lands through the administration, management, and  
control vested in the Federal Government, so only these  
lands are more or less analogous to Indian Reserves in  
the rest of the country.

Category 1-B land comprised  
884 square miles and for their management Band Councils  
must be formed into public corporations which will  
own them outright, although by "outright" they don't  
mean what one would assume them to mean, as I will  
explain later.

Quebec refused to allow the  
coastal Cree communities to choose reserve land on the  
northern banks of the river on which their settlements  
are situated, and these northern banks constitute what  
is called Special Category 1-B<sup>land</sup> on which Quebec may make  
small developments without compensation, and to which  
all Provincial Government agencies and mandatories shall  
have unrestricted access. Lands that fall within  
Category 1 that are<sup>already</sup> the object of mining claims and  
development licences are to be regarded as Category 3  
lands, as is any land covered by exploration permits.  
Although Category 1 land has already been chosen by the  
Cree, they were not to have a list of mining claims,  
licences, concessions, leases and permits until 90 days  
after signing the agreement. Yet the area of such lands  
which remember, will be regarded as Category 3 lands,



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is included in the 2,158 square miles of Category 1 lands.

Now the Cree have had to accept that tremendous corridors should be withdrawn from their reserves without compensation. These include existing roads (which are considered to be Category 3 lands) with a 500-foot wide corridor, which is considered to be Category 2 land, on either side, that is a corridor of 1,000 feet wide. Elaborate precautions have been taken to permit the N.B.R. project, that is the Nottaway-Broadback-Rupert complex, which is to be built on the southern part of the territory very far into the future, to allow this project to be built without any further trouble from the Indians, and the Waswanipi Band has had to agree in advance -- I should say almost a quarter of a century in advance -- that 1,750 foot-wide corridors should be run over their Category 1 lands without compensation; that all Category 2 lands used or lakes flooded by construction shall be thereafter considered Category 3 lands; Rupert House has had to agree that Category 1 or 2 lands be treated as Category 3 lands if needed for the N.B.R. project, and should not be compensated.

THE COMMISSIONER: What's the N.B.R. project?

A That's the Nottaway-Broadback-Rupert project.

Q Yes, but what is it? Is it a dam or --

A Well, it's a series of





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probably I think seven power stations which would be built along the Rupert River, the Nottaway and Broadback being blocked off, and the water being sent down through the Rupert into James Bay. That was the project which was originally scheduled to be built, and then they changed their mind, I think because of the unstable nature of the ground in the southern part of the territory and moved further north for the first phase of the project onto the La Grande River.

So that's all taken care of far in advance .

Now in comparison with Indian Reserves elsewhere in Canada, the Category 1 lands in Quebec will be only under a tenuous control of their Indian occupants, since they may be taken for purposes of building the James Bay project, which can no longer be opposed. In comparison, Indian Reserve lands in other parts of Canada can be used only after an instrument of surrender has been signed by the band. Also in Quebec, of course, not only maintained ownership of the minerals and sub-surface rights in all Category 1 lands, but in an curious demonstration of its determination not to give anything away that is too good, provided that the intertidal zone in front of Category 1 lands shall be considered Category 2 and therefore subject to development if wanted by the province, and also that a 200-foot corridor around all major water bodies lying within Category 1 lands shall be considered Category 2 lands, and also therefore susceptible to development if wanted by the province. So these are very many



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derogations from the principle that the Indians are  
in control of Category 1 lands.

The traditional authority  
exercised by Indian Bands over their reserves has not  
been granted to the Cree Indians of James Bay in Category 1 lands. The general public is to have right of  
access to all roads, arteries, airports, bridges,  
seaplane bases, wharves, harbours, rivers and principal  
lakes and public buildings and lands used for public  
purposes, and persons authorized to exercise a public  
function or engage in technical surveys or construction  
or operation of a public work shall also be permitted  
as of right. The Cree local government must also permit  
persons to live on the lands who are engaged on  
administrative or public service duties or scientific  
research. In addition, holders of mining leases in  
Category 1 lands will have authority to use Category  
1 lands surrounding their leases. Compensation in land or  
money must be paid for land taken for public servitudes,  
but if there is no agreement on replacement land the  
servitude may proceed after 60 days, and if no agreement  
has been reached after 120 days the compensation must  
take the form of money. In other words, the servitude  
is forced on them. Without going into more detail, it  
is possible to say that the regime established contains  
many such examples in which final decision (in case of  
dispute) favors the Quebec authority and removes control  
from the Cree people.

Category 2 land may be  
expropriated by the province for development, and



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"development" is defined as "any act or deed which precludes hunting, fishing and trapping activities by native people." In other words, the interest of the Cree people in Category 2 land is not so strong that they are to be compensated for any act of development that takes place there, but only for one which interferes with their hunting activities. Exploratory work is not regarded as development, and can be done without compensation, even if it interferes with hunting, and public servitudes (which have to be compensated for in Category 1 land) may be undertaken without compensation in Category 2 land. Use of soapstone to native people is reserved, but will always be subordinate to the rights to other minerals. To give two more examples, all rights given to native people on hunting, fishing and trapping are subject to the right of Quebec to develop Category 2 and 3 lands, and the flow of rivers may be modified, even if downstream effects occur in Category 1 lands.

Another curious aspect of the agreement is that a special company with a capital of \$30 million has been set up, called Sotrac, to perform remedial works "to alleviate negative impacts on hunting, fishing and trapping" of the La Grande Project (though it was argued in Court that the project was the essential tool for the survival of the Cree culture). These works shall include relocation of animals, and re-organization of traplines, <sup>as well as</sup> remedial works in the area of a particular reservoir at Opinaca. This company will also undertake such things as programs to increase





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efficiency of subsistence harvesting, aerial inventories of wild animals, improved communications, studies of fur animal farms, training programs, stream flow modifications, habitat improvement and other works which one would not have considered necessary if there had been any truth in the arguments made in Court by the lawyers for the James Bay Development Corporation.

I do not want to give the impression that there are no positive features in this agreement, for there are many provisions designed to safeguard the rights of Indians as against those of newcomers to the territory. In particular, a positive provision would seem to be that for a guaranteed income for any Crees who wish to pursue subsistence hunting as a way of life. Of course, if any respect had ever been shown in the past for the Cree culture, it would have been simple to have offered such support many years ago.

It may now be too late to offer aid with one hand and impose the James Bay project with the other, does seem to me to be slightly hypocritical.

On analysis, however, many of the safeguards designed for the Cree people turn out to be heavily weighted in favor of final decisions being made by others than Cree people; this is true even of the hunting, fishing and trapping regime, and the environmental regime, which are the two essential instruments through which the negotiators hope they will be able to ensure the continuance of their



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traditional life, so long as they wish to pursue it.

In these structures the Cree and Inuit people have been given advisory roles in a complicated and rather immense bureaucracy. One cannot say that these will not work for the benefit of the native people. One can only express some doubts which revolve around two aspects of the agreement. One of these is that we may be doubtful that a complicated bureaucracy will always operate in an imaginative and humanistic way, as it will have to do if this agreement is to work; and secondly, one has some reservations based on the utterly different perceptions of the two sides locked into this agreement. What may appear to be a reasonable interpretation of loosely worded environmental protection provisions to a Cree hunting culture anxious to defend itself from damage may appear to be an unreasonable provision or interpretation to an engineering company anxious to pursue its right to develop the territory; and one's anxieties on this account are heightened by the fact that the authorities who are now to co-operate in the defence of this culture only a year or so ago were utterly denying its very existence and the viability of a subsistence hunting culture in James Bay.

They were decrying it as at best a pathetic and diminishing anachronism. If they should revert to their former attitudes, then since the final decisions lie with them they could render all these safeguards unworkable. The acceptance by the Cree negotiators of such questionable safeguards is one of the consequences of their having had to negotiate while the project was being built; they had to accept what was offered.



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The hunting, fishing and trapping regime does provide that native people have the right to harvest wild animals over most of northern Quebec,

"where this activity is physically possible and does not conflict with other physical activity or public safety".

In essence, this is similar to the traditional guarantee of hunting rights in unoccupied Crown lands given in the western treaties but in this case, the guarantee is accompanied by certain restrictions on non-native hunting and exclusive rights to certain animals, birds and fish which the Cree negotiators hope will give them sufficient control over the animal resources on which the subsistence life depends to permit them to control the pace and nature of change that they will inevitably confront.

This regime recognize the principle of priority for native harvesting in the allocation of animal resources. The native people are guaranteed levels of harvesting equal to present levels. If game populations are such as to permit harvesting beyond that level, then an allocation for non-native hunting shall be made, but if they do not, then the total harvest shall be allocated to the native hunters.

This regime is to be governed by a Hunting, Fishing and Trapping Co-ordinating Committee, on which the Crees and Inuit will have six representatives and Quebec and Canada each three and on which the chairman, who will have a casting vote will be elected on a rotating basis. Except in one particular, this will not be a decision making body but consultative.





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Its main job will be to allocate the animal resources as between native and non-native according to guidelines laid down in the agreement.

It may establish the upper limit of kill for moose and caribou and (in one area) of the country, of black bear available to non-native people and its decisions on these are to be binding, but otherwise, it may make only recommendations to the Minister who may, if he wishes, reject them. Establishment of general game quotas for the area or protection of the species, research and so on, will remain in the hands of the Provincial and Federal Governments. Thus the real powers of the Co-ordinating Committee would appear to be extremely limited and only time will tell to what extent it will be permitted to make its influence felt.

This regime will not only be subject to principles of conservation which are not spelled out in the agreement and which it would appear will be administered directly by the governments, but will not apply fully over the whole territory of northern Quebec.

The territory is divided into a southern area, a buffer zone, and a northern area. Only in the northern area will the hunting, fishing and trapping regime apply fully. In the buffer zone, which covers the surrounds of Chibougamau, the northern road, and across through Matagami, moose hunting zones may be established for natives and non-natives and non-natives will be permitted to sport fish all species of fish not-



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withstanding that these fish are supposed to be exclusively given to the native people and they will be permitted to hunt black bear and hares.

In the southern zone, which is the entire southern part of the James Bay-Abitibi area, the native priority will apply only on their traplines or in Categories 1 or 2 lands. Thus, over a good part of the territory, very severe derogations have been made from the principle of priority for native harvesting. For the successful operation of the regime, it would appear that native people are almost wholly dependent on the continued goodwill of authorities whose basic purpose is the occupation and development of James Bay.

The second major concession granted to the native people is the environmental regime which gives the native people, I think for the first time in Canada, some say in developmental decisions to be made in the future in lands in which they have surrendered their rights. This regime is to be governed by a James Bay advisory committee on the environment in which the four Cree members will have voting parity with the representatives of Canada and Quebec. There's a similar regime parallel to this for the Inuit.

A list of projects automatically subject to assessment is included in the agreement. An evaluating committee, a review committee and a review panel have been set up to decide the extent and nature of the assessment required. They may require an impact



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statement from the proponent of any scheme and transmit their recommendations to a government appointed administrator who may approve or reject any proposed development. The government may veto any decision of the administrator. This procedure will not apply to any work carried out under phase one of the James Bay Project, but the NBR Project, the later phase, will be subject to environmental review procedures though it will not be subject to objection by the native people on any other than environmental grounds.

These provisions are not unlike environmental impact provisions in various Canadian provinces. So far as I know, they are without exception, totally advisory and do not in any way bind governments. Their efficacy depends entirely on the sensitivity of governments to environmental concerns. In general governments have tended to place major emphasis on the need for development and have tended to override environmental considerations where the two imperatives clash.

On analysis, I don't think that the native people of the Northwest Territories would regard it as a significant concession or an adequate safeguard merely to be given representation on an environmental committee whose decisions are subject to veto at two higher levels.

In summary then, the James Bay agreement represents the surrender of Indian rights over a huge territory which Indians have been using and occupying fully since time immemorial and grants them in return small reserves or land analagous to





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reserves and temporary guarantees of exclusive hunting rights in the surrendered parts of the territory until such time as it is needed for occupation and settlement by the white society.

The agreement was negotiated against two persistent overriding facts which undercut the negotiating position of the native people. First, they were afraid that if they did not play ball and agree to surrender their rights in return for certain considerations in the traditional manner of treaties between Indians and the government, the Government of Canada would legislate their rights out of existence. Parliament, after all, is sovereign and can legislate whatever it pleases. This fear was reinforced by the lack of sympathy from the Courts following the overthrow of the Malouf judgment and by such veiled threats as that thrown out by the Minister of Indian Affairs to withdraw funding for the Indians to defend their injunction of victory in the Appeal Court unless they were reasonable in their talks with the Quebec Government.

This fear that if they refused to surrender their rights, they would be legislated out of existence was mentioned to me several times by one of the chief Cree negotiators during the course of the negotiations.

Secondly, the project was being built in their hunting grounds and there was clearly no way to stop it. Therefore, they felt they had to take whatever agreement they could get while the government was still prepared to make an agreement. The evidence



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1 that the Courts would give more weight to a gigantic  
2 project and the money it represents, than to established  
3 Indian rights, was only too clear from their experience  
4 before the Courts. This had been spelled out by Mr.  
5 Justice Malouf who had scolded the James Bay Development  
6 Corporation for continuing to build the project during  
7 the many months of the injunction hearing and then  
8 arguing that the large sums of money they were spending  
9 constantly weighed the balance of inconvenience further  
10 on their side as time went on.

11 This is a quote from Mr. Justice  
12 Malouf's judgment:

13 "In a case of this nature, the sums of money  
14 expended, even if substantial must not be permitted  
15 to cloud the issues. The proof has convinced me  
16 that if these works are allowed to continue a  
17 factual situation will soon occur which will render  
18 any final judgment ineffectual because it will then  
19 be impossible to put the parties in the position  
20 they would have been in had the work not been  
21 carried out.

22 To put it another way, a continuation of the  
23 works will undoubtedly lead to a fait accompli.  
24 Furthermore, if I were to consider balance of con-  
25 venience in the present case, I would establish a  
26 principle which would lead to strange consequences.  
27 It would permit a person to change the status quo  
28 to or pending the hearing and subsequently plead  
29 balance of convenience. I cannot give effect to  
30 such a doctrine."



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Now this doctrine which makes common sense if the purpose of an injunction proceeding is to balance the rights of a weak party against those of a strong one was totally rejected by the five judges of the Quebec Court of Appeals for whom Mr. Justice Marcel Crete spoke when he said he was not convinced that the inconvenience to the Indians was on the same scale as the growing need for energy of all of Quebec, and which spoke of the high cost of stopping the project.

As Mr. Justice Marshall remarked in 1823:

"Conquest gives a title which the Courts of the conqueror cannot deny."

Though you're not a Court Mr. Commissioner, I've been thinking that the weight of the dilemma described by Mr. Justice Marshall must be weighing very heavily with you as you ponder the story that you heard during the many months of your hearings.

The Indians of James Bay learned that once the project had been started in their territory, there was nothing they could do to stop it and to reassert the rights which the building of the project was violating. That is a lesson which, I believe the Dene people of the Northwest Territories have learned from the James Bay experience and one which I hope, Mr. Commissioner that you will take fully into account in coming to your own judgment about the desirable future course of action in the north.

Thank you very much.

THE COMMISSIONER: Thank you





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Mr. Richardson.

MR. BELL: I'd like to call on  
Mr. Young to present his evidence.

WITNESS YOUNG: Can you hear  
me properly? I've got a bad throat.

THE COMMISSIONER: Why don't  
you move the microphone a little closer to you, Mr.  
Young.

A O.K. First of all, I'd  
like to maybe expand on my c.v. if that would be all  
right with counsel. I am a Cree Indian from The Pas.  
Probably some of you have heard of the C.F.I. fiasco  
in Manitoba. Well, the C.F.I. mills are located adjacent  
to the -- to my Indian reserve. I had the privilege  
and experience of having to live on the trapline with  
my parents, and I think I can speak with sincerity  
when I refer to my people, concerning their rights and  
those rights which are being encroached upon every day  
by so-called progress.

I think that the evidence that  
I will give is probably too brief for the you know,  
the matter which I am speaking to which is the Manitoba  
Hydro Project in northern Manitoba, but I believe that  
it's to the point. Mr. Commissioner, my evidence.

Mr. Commissioner, I represent  
the Northern Flood Committee. The Northern Flood Committee  
is a constituency based intra-community agency. It was  
created by Band Council resolutions to represent the  
communities most directly impacted by hydro development  
in northern Manitoba, Norway House, Cross Lake, Nelson



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1 House, Split Lake and York Landing. I might add that  
4 the five communities represent some 8,000 people.

3 The Northern Flood Committee is  
4 a provincially incorporated body. It's board of  
5 directors consists of the elected chiefs of the five  
6 reserve communities affected.  
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Our mandate is to speak on behalf of those whose rights, interests and property has been, or may be, affected by the consequences of the Nelson River Diversion and water regulation scheme.

I offer this testimony because I believe that the experience of my people can provide valuable lessons for the Dene of the Northwest Territories as they confront the proposed pipeline.

Hugh McCullum has already given an outline of the Manitoba hydro development that is encroaching on our communities. I would like to tell you a little about the land and what it means to the Cree people in northern Manitoba.

The attitudes of Cree -- of the Cree toward land differ widely from that of the whites. When local people refer to the project as ruining the country, they are not just speaking of the ruined shorelines; the loss of camping grounds, portages and scenic views which have been utilized for generations and which many have experienced directly or vicariously since they were children; or the lost or changed opportunities for hunting, fishing and trapping. There is also a metaphysical sense of contamination: in a profound sense nature is being interfered with. Young acculturated persons who have never been, and will probably never be in the area say "I don't know why, but I just don't want them to take that country away". The land is not just changed but in a sense will be destroyed and a new, foreign entity will take its place.





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1  
2                                   Until very recently, the  
3       Crees in the areas were little affected by whites or  
4       changes occurring in white society to the south. In  
5       extremity one could, by using natural resources, be  
6       largely independent of white society. But increasingly  
7       there are irrevocable changes occurring which, though they  
8       may not necessarily be seen as undesirable, force a  
9       person to commit oneself to the industrial world and  
10      its culture and which make it impossible to return to  
11      the old ways. The country affected by the project is  
12      relatively untouched; the people making their living  
13      from it are trying to keep up at least a form of tradi-  
14      tional life style. The fishermen and trappers utilizing  
15      the area thus arouse feelings of sympathy even among  
16      Crees who do not know them personally or might be  
17      considered quite acculturated.

18                               The area supported people  
19      utilizing a "traditional" economy who are keeping alive  
20      a heritage once common to all the people of the area.  
21      Until very recently most people had the prerequisite  
22      knowledge and skills enabling them to partake in  
23      "bush life." Increasingly, for more of the population  
24      a critical point is being reached where this is no  
25      longer possible. Young males who say "I'm afraid, I'm  
26      not worried if I don't get work -- I can always go out  
27      trapping or fishing" are realizing this is becoming only  
28      a dream. They no longer can, nor ever will go back to  
29      the bush and the project, by destroying land that might  
30      have been trapped or fished becomes a symbol of such



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1  
2 incapacabilities. Even the dream can no longer be dreamed.

3 Our submission can have  
4 no other theme than to object to the project in the  
5 strongest terms possible. This is not a vindictive  
6 position. Neither Cree culture, Cree values, nor the  
7 native communities affected are against change, but we  
8 cannot and do not condone a project which changes  
9 50,000 miles of life-creating and life-supporting  
10 shorelines and which floods some 415,000 acres of  
11 ancestral lands. Lands which have been lived on,  
12 harvested and managed with great pride and care by  
13 Cree Indians, since the year 4,000 B.C.

14 The impacts of the project  
15 on the communities affected are clear.

16 It will destroy much of  
17 our environment and the resources on which we depend  
18 for survival as self-respecting communities. It will  
19 inundate our shorelines and access routes; it will destroy  
20 our wildlife and wildlife habitat; it will render our  
21 travel and navigation hazardous; it will destroy our  
22 commercial and domestic fishing; it will contaminate  
23 our lakes and rivers; it will destroy much of our  
24 economic base; it will disrupt our cultural traditions;  
25 it will produce tremendous social stresses and thus it  
26 will lead to a progressive disintegration of both  
27 family and community life. This then is the brutal  
28 reality of what is evolving and unfolding.

29 We know, because it is  
30 already happening. All of it.



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1 Adding insult to injury  
2 the Manitoba Cabinet sources have recently been quoted  
3 in the news media as saying that

4 "Indians are using the project to get  
5 as much as they can from the Manitoba  
6 government..."

7 and that the Northern Flood Committee

8 "...is viewing the hydro issue as that  
9 'great-come-and-get-it-day'".

10 The Honourable Mr. Green, Minister of Mines, Resources  
11 and Environmental Management, goes even further; he  
12 characterizes our proposed remedy principles as "ransom"  
13 demands.

14 Though rhetorically  
15 effective as a plausible motivation to impute to those  
16 in opposition to the project, such conclusions can only  
17 be drawn from a basis of profound ignorance and  
18 insensitivity. The simple fact is that if the communities  
19 affected would have a choice in the matter, they would  
20 not trade this choice for any amount of compensation; they  
21 would veto the project. Now this may be difficult to  
22 accept but it is the clarification called for to put  
23 the aspirations of our communities in a proper focus.

24 There is another  
25 clarification needed. Much has been said about the  
26 "benefits" of the project. Yet, none have been  
27 established except for "all-weather roads, network  
28 television" and, what Manitoba Hydro calls "central  
29 station electric service". Whatever validity this  
30 claim has, rests on the totally erroneous assumption





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1 that the benefits spoken of by Manitoba Hydro must be  
2 viewed as a bonus of the development rather as an  
3 entitlement under the constitutional obligation to  
4 provide adequate services to any community, regardless  
5 of location.  
6

7 This includes adequate  
8 municipal facilities and services such as safe water  
9 distribution and sewage systems, health care services,  
10 schools, roads, fire protection, electricity, etc.  
11 Therefore, let us be clear on this point. The benefits  
12 of the project, to the communities most directly  
13 affected by it, will be nil.

14 More specifically still,  
15 because the communities have been neglected to such  
16 an extent, that they have neither proper water supply  
17 systems nor sewage treatment systems, and because  
18 water must be taken from rivers and lakes, and because  
19 the rivers and lakes will now be additionally contaminated  
20 by the advent of flooding, the communities affected are  
21 actually falling further behind in their standard of  
22 services as a result of the hydro project. So much then,  
23 for the imaginary benefits.

24 Of course, this "deficit  
25 progress" also extends to our traditional pursuits --  
26 hunting, fishing, trapping, etc. -- all of which will be  
27 seriously damaged, if not worse. Yet, we have been  
28 asked to accept the project in the name of the public  
29 good. Well, we are not prepared to do so any longer. In  
30 fact, we refuse to believe that we should be singled out



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1 to pay the price for society's wasteful energy consumption  
2 practises, for more power dams and environmental damages  
3 to feed this cult, and for destroying everything in the  
4 path of such an insane policy, including the culture  
5 and the way of life of five native communities.  
6

7 What a price to extract  
8 from these native communities. What a contest between  
9 the powerful and the weak. What a terrible triangle  
10 of government power, government planning and  
11 government enterprise and commerce; all dressed up in  
12 the disguise of "the public interest" and wrapped up in  
13 the fixation of legislative supremacy as the quintessence  
14 of all wisdom. What a "public good".

15 The after-the-fact  
16 studies done by the Federal Government, Federal-Provincial  
17 Study Board have been of little assistance. True, it  
18 may well be that no other group of people could have  
19 done better under the circumstances. Be this as it  
20 may, these circumstances have neither permitted the  
21 Study Board to operate as an independent agency as  
22 claimed, nor have they produced the disclosures  
23 envisaged in the \$2,000,000 federal-provincial study  
24 agreement -- partly because of hydro's inadequate data  
25 on water levels and flows, and partly because certain  
26 parts of the project have never been studied at all.  
27 And this is where the problem becomes visible.

28 You see, the missing  
29 facts as to the peak water levels, extent of flooding  
30 and severity of erosion are not only impacts in



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1 themselves, but they are also inputs to the determina-  
2 tions of other impacts, including those related to  
3 water quality, ice conditions, transportation, wildlife,  
4 and fisheries, and these in turn are inputs to  
5 cumulative determination of social and economic  
6 impacts. From this it should be evident that the  
7 uncertainties mentioned here severely distort all  
8 cumulative impact determinations.  
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As a consequence, it may well turn out for example, that once the cumulative effects of all the impacts are apparent, survival of one or more communities may dictate their relocation, rather than any other measure of impact mitigation. In the interim, the communities affected are placed in the position of having to plan how to deal with one set of impacts, only partially known, under threat of later impacts which are not yet known. How can we possibly plan our future under such open-ended uncertainty?

To keep this presentation in manageable bounds, I shall go no further here in the articulation of our concerns except to commend to your attention the photographs of physical damages which have already occurred in the vicinity of Cross Lake as well as in the vicinity of Nelson House.

Let me share with you two critical observations. These have to do with the reliability of the impact evidence disclosed, or more precisely they have to do with the lack of it.

None of the damages, conditions, hunting, fishing and trapping impediments depicted in pictures 1, 2, 3 and 4 which are in the evidence were ever predicted or disclosed in any public document or on record. And we mean any public document. The environmental disaster depicted with photographs 5 and 6 on the other hand was acknowledged in the Summary Report produced by the Study Board. It was couched in the following editorial terms, and I quote:

"The shoreline of the man-made reservoir



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behind the Notigi control structure will reoccupy the ancient shoreline of the lake left by the retreating glacier. This boundary will ease shoreline impact after diversion."

So the inference here seems to be that, if nothing else, Manitoba Hydro has at least super-ancient history on its side and that nature itself will ease the impact over the next century or so. What a description of the reality captured with our photographs.

And what a way in which public information is filtered, laundered and used in the disclosure of facts and damages. No wonder then that those charged with the task of dealing with the consequences of the project are grossly underbriefed and misled as to these consequences, and because of this unsympathetic and even hostile to our concerns. This then is the other part of the tragedy before us.

We have no illusions that many of the parts and processes of the project may proceed as planned, no matter what we say. And because of this we have no illusions either that many of the predicted and unpredicted damages will be both severe and irreparable. To this extent, our aspirations and expectations will certainly be disappointed.

My people face terrible odds in Manitoba, but we have by no means given up the struggle. It is never too late to search for and advocate sane and thoughtful policies. Policies which not only acknowledge and protect our social,



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1 economic and political rights, but our general and  
2 special legal rights as well. Our land is our life and  
3 our shorelines are our future.

4                   There is a lesson for all Indian  
5 people here that is very plain: Do not under any  
6 circumstances permit a major project like the proposed  
7 gas pipeline to start until your just claims have been  
8 settled. Dealing with the government and developers  
9 is problematic in the best of circumstances. It is our  
10 experience that they do not bargain in good faith on  
11 the details of projects. You have a much stronger  
12 position here than we in Manitoba. Do not let it  
13 be ended by permitting a pipeline to start prior to  
14 a land settlement.

15                   Mr. Commissioner, I have  
16 accepted the invitation of the Indian Brotherhood of  
17 the Northwest Territories and the Metis Association  
18 of the Northwest Territories to come here today for  
19 two reasons. The first is so that the Cree of Northern  
20 Manitoba can show their solidarity with the Dene, by  
21 warning them of what has happened to us, the better  
22 to strengthen their will.

23                   The second reason is that we  
24 now have something to learn from the Dene. Having  
25 just been faced with the flood, now we too are to be  
26 faced with a gas pipeline. I am referring of course to  
27 the proposed Polar Gas project running from the High  
28 Arctic into Manitoba. And we do not even have any  
29 assurance that there will be an Inquiry such as this  
30 one before which we can plead our case. In the case of



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the flooding, we were denied even the elementary  
-- that elementary right. Now, however, we are organized  
and we intend to be heard. Thank you.

THE COMMISSIONER: Thank you  
very much, Mr. Young.

MR. BELL: Mr. Commissioner,  
I propose to have the photographs mentioned in Mr.  
Young's testimony marked as exhibits. I am informed  
that Professor Page has just arrived. Perhaps I could  
ask for five minutes to swear him in and have him take  
his coat off.

THE COMMISSIONER: Fine, we'll  
take a five-minute break.

(PROCEEDINGS ADJOURNED FOR FIVE MINUTES)

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. BELL: I think it would  
suit the convenience of everyone if we had Mr. Page  
present his testimony in chief this afternoon and not  
sit this evening, and proceed tomorrow morning at 9:30  
with cross-examination<sup>or</sup> however far we get.

THE COMMISSIONER: All right.  
If that suits everybody we'll proceed in that way. That  
would enable you to get through your remaining panel  
by Thursday night or Friday morning?

MR. BELL: Yes, I think so.

THE COMMISSIONER: O.K.

MR. BELL: This is Professor  
Robert Page, Mr. Commissioner.

ROBERT PAGE, sworn:





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MR. BELL: Professor Page, you are an Associate Professor in the Department of History at Trent University?

WITNESS PAGE: Yes.

Q You have a B.A. from Queen's University, an M.A. from Queens University, and a Doctor of Philosophy from Oxford University.

A Yes.

Q From 1967 to 1972 you were an assistant professor in the Department of History at Trent University, and in 1972 you attained your present position.

A That is correct, sir.

Q You are a member of the Editorial Board of the Journal Alternatives, Perspectives on Society and Environment.

A Yes.

Q You're a member of the Canadian-American and Ontario Historical Associations.

A Yes.

Q You're a member of the Canadian Institute of International Affairs.

A Yes.

Q A member of the National Advisory Panel of the Canada Studies Foundation.

A Yes.

Q You were a participant in policy analysis discussions on northern development held by the Science Council of Canada last year.

A Yes.



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Q You are a founding sponsor  
of the Public Petroleum Association of Canada.

A Yes.

Q And in 1974 and 1975 you  
were the national chairman of the Committee for an  
Independent Canada.

A Yes.

Q And you are the author  
of the publications listed on page 2 of <sup>the</sup> summary to your  
evidence?

A Yes.

Q Will you please proceed  
with your evidence, sir?

A Thank you. Mr. Chairman --  
Mr. Commissioner, this afternoon I propose to look at  
the building of the Canadian Pacific Railway. I am  
proposing to look at the building of the Canadian Pacific  
Railway and the socio-economic impacts on a 19th century  
transportation system here in Canada. I think this is  
particularly appropriate in terms of the way in which  
everyone in Canada, including the Prime Minister, has  
made reference to the C.P.R. and its both political and  
economic importance in the development of Canada, because  
in the historic evolution of the country there have been  
three great epochs of development, each of which have  
opened up a third of the land mass of Canada. In the  
period from 1600 to 1850 Canada experienced the initial  
colonization and settlement of the Maritime region and  
the Great Lakes-St. Lawrence lowland. The period from  
1860 to 1910 witnessed the penetration of the railways  
and the settlement of the prairie west. Finally from



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1960 to probably about the end of the 20th century we will see the opening and economic development of Canada north of 60.

In each of these periods there is an essential imperial process at work. In the colonial period to 1850, the mercantilist economic forces from Paris and then London were spanning the Atlantic to found new societies in North America; the west was opened by Toronto and Montreal economic interests determined to forestall American economic penetration into prairie lands north of the 49th Parallel. In the current northern projects we see a linking of Canadian and American economic forces to tap on a continental basis the mineral and energy resources north of 60.

In both of the earlier epochs important transportation links were the key to white penetration and in each of these the existing native population was swept aside in the flood of white farmers greedy for land. The irresistible forces of development and progress pushed across the continent. In the west, although settlement had already begun, it was the building of the C.P.R. which symbolized the end of the old order and the coming of the new. The end of the buffalo hunt and the trapping economy and the beginning of the white cash crop agriculture. Confederation had been beuilt upon the imperial vision of the economic exploitation of the west; the C.P.R. was the vehicle for achieving this goal.





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Canadian economic history has always been dominated by the expansive economic forces of the staple producers seeking new sources of supply or markets and new corridors of transportation to carry through their projects. The current pattern in the Canadian north, therefore, follows a long established trend in Canadian history and knowledge of the earlier penetration of the west and they offer some insights into contemporary pressures and problems.

With this thought in mind, I hope that the following brief comments on the C.P.R. and the penetration of the west will be of some use to the Commission in seeking to view the Mackenzie Valley Pipeline Project in a broader context.

The building of the C.P.R. was the final act to complete Confederation and to fulfill Ottawa's obligations to British Columbia. Macdonald viewed it as the culmination of his work as the architect of the Canadian nation from sea to sea. Since his day, the project has taken on patriotic overtones as part of the national mythology. It was the iron backbone that held the separate colonies together as a nation. The emotional enthusiasm for the project has been evident from that day to this. Pierre Berton's television epic, "The National Dream" is merely the latest example as well as the Prime Minister's comments which I mentioned earlier.

The Canadian Pacific was seen as the means of getting settlers in large numbers to the west and the grain from the prairies to eastern and



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overseas markets and the products of eastern factories to the new farmers of the west.

The commercial empire of the St. Lawrence would be extended across the continent. In addition, the C.P.R. was explained in London as the great imperial highway for Britain to maintain her empire in the far east.

However, the Canadian Pacific has also been the source of western discontent ever since it was built with its initial monopoly clause and other special privileges. It was such an economic strain for a small nation that the fortunes of the Macdonald government became linked with the consortium proposing to build it. The capital requirements were so great that government guarantees had to be given to secure some of the bonds.

The prestige of the government became linked to the completion of the railway and at several points the survival of the government hung in the balance. In this case, as with other development projects, the political pressures began to warp the objectivity of the government to weigh all factors and made it desperate to complete the project irrespective of escalating costs and impacts on local inhabitants.

This general tendency was increased in the case of the railway as it was part of the wider problem of socio-economic impacts of white society on the traditional native way of life on the prairies. Because of the decline of the buffalo, these societies were already in a precarious condition when



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this project threatened an invasion of white settlers. Thus, the decline of the buffalo, the arrival of white settlers, the building of the railway and the Indian and Metis uncertainty about their lands were all linked together and all contributed to the Northwest Rebellion of 1885.

When the newly created Dominion of Canada acquired Ruperts Land from the Hudson's Bay Company in the fateful winter of 1869-70, there was little white settlement west of Red River. Immediately, however, in the boardrooms of Toronto and Montreal, there were dreams of a railway via the prairies to the Pacific, even though the massive shield country provided such a physical barrier between the eastern cities and Fort Garry.

The arrival of the first Canadian survey parties and settlers provoked profound hostility among the Indian, Metis and local whites all concerned about their future now that they had been sold to the Canadians. Louis Riel mobilized this hostility, declared a provisional government and negotiated better terms of entry from Manitoba into Confederation. It appeared on the surface to be a victory for western interests, especially the Metis, and Louis Riel was their father of confederation. In return Riel and the Metis supported the government when the Fenians threatened in 1871. This was all misunderstood however in Ontario.

The events of 1969-70 --

THE COMMISSIONER: Excuse me,



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misunderstood in what?

A     Sorry, in Ontario.

Q     Oh, in Ontario.

A     The events of 1869-70 led to one important result for the Metis when the Canadian government in the Manitoba Act, Section 31 recognized their claim to a share in the aboriginal title to the land.

"It is expedient towards the extinguishment of the Indian title to the lands in the province to appropriate a portion of ungranted lands to the extent of one million, four hundred thousand acres thereof for the benefit of the families of the half-breed residents."

It was probably granted by Macdonald as a kind of peace offering to those who had resisted as Manitoba was not given control over public lands within the new province, but it was viewed by the Metis as a legal recognition of their right to a share in the land settlement. Although slow in coming, they thought they had established the principle in law.

However, it was one thing for the Macdonald government to be forced into political concessions and it was a totally different matter for all those promises to be generously fulfilled. Individual land claims were processed very slowly by an awkward bureaucracy which left the Metis confused and frustrated. The amnesty as promised was never delivered for it left out for political reasons key





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individuals such as Riel. With their hunting opportunities fast declining, and their lands in doubt, many Metis now migrated north and west to the valley of the Saskatchewan in search of the isolation where they could live and hunt in peace.

Hardly had Manitoba entered Confederation before the eastern interests began their scheming to build the railway. In March of 1871, the Ministry of Public Works began organization of the C.P.R. survey crews. In the same month, Parliament received the resolution for the entry of British Columbia including the promise of a railway, and the petition from a group to be incorporated as the Canadian Pacific Railway. The next month, Sandford Fleming was appointed Engineer-in-Chief.

In the summer of 1871, the first survey parties headed west and there were often tensions between the white leaders of the expeditions like Marcus Smith and the native or Metis porters. In addition, there were other tensions, for the local inhabitants were often suspicious of the reasons for the survey work.

Back in Ottawa, Macdonald won the general election of 1872 but in the process had become deeply involved in the manoeuvring to form a syndicate to build the railway. Gradually, the story of the financial contributions to the Conservative Party of some of the partners came out and the Pacific Scandal resulted in Macdonald's resignation as Prime Minister November, 1873.

Pressure to build the railway



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eased as the new Liberal administration of Alexander Mackenzie was not committed to a rapid building of the railway for they wished to limit government expenditure in all directions.

When the Metis trekked westward from the Red River, many of them settled in the valley of the Saskatchewan just south of Prince Albert where they joined brothers already there. Here at St. Laurent, they built a prosperous and stable society which was a product of both the old and the new ways. They hunted but they also did some cultivation on lands along the river valleys and provided service in trans-shipping freight across the prairies, along the main highway of the day, the Saskatchewan river valley.

Gabriel Dumont, their great leader, was fairly typical. He farmed about 20 acres, hunted and fished and ran a ferry service across the river near Batoche.

In 1873, they established their own form of local government with Dumont as president which was the natural outgrowth of their traditions and organization of the great annual buffalo hunt. They possessed a real sense of identity and they talked of the Metis Nation. However, their isolation was to be short-lived for by the <sup>mid</sup>1870's, railway survey crews, geological survey teams and the installation of telegraph lines were all harbingers of what was to come. By 1878, there were about 750 Metis in the St. Laurent area which stretched for about thirty miles along the river.



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For both Liberals and conservatives in Ottawa, treaty land settlements with the prairie Indian tribes were an essential precondition in preparing for railway construction or white settlement. In the years between 1871 and 1877, seven treaties were signed to cover the area and the Indian people were assigned to a multitude of small reserves scattered across the plains. Even with the translations which were provided, it is by no means clear that the Indians understood the full implications of the treaties that they were signing.

In a number of ways the most difficult involved Treaty Six with the Plains and Wood Crees of northcentral Saskatchewan and Alberta. The treaty covered a very extensive area involving bands which had exhibited hostility to the entrance of white settlers. They were proudly independent and Ottawa had received many representations to settle these claims quickly in this area.

The Cree had turned back a geological survey party of Canada and had obstructed the construction of the telegraph. The Mounted Police reported that they had inadequate forces to deal with any disturbances. The Indian chiefs finally signed the treaty late in the summer of 1876 at elaborate ceremonies at Fort Carlton and Fort Pitt. After hard bargaining they achieved more generous treaty provisions including a government promise of aid and rations in the event of "any pestilence or general famine". With the disappearance of the buffalo in the years immediately





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following, the famine clause became a matter of serious dispute between Ottawa and the Cree people. By 1877 Treaty Seven had been signed and all potential routes for the railway across the prairies had been covered by treaties several years before any construction in the region.

The Metis played a key role in the negotiations which led to the treaties. As historian George Stanley has emphasized:

"To the half-breeds the Dominion owes much. They were indispensable at the negotiations of every treaty and to their influence was due in a large part the peaceful relations which existed between the Indians and the whites in the northwest."

After playing this key role in explaining white policy and rule, it would be normal to expect that Ottawa would have turned to consider quickly and fairly the outstanding claims of the Metis themselves. Unfortunately, this was not to be the case.



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When John A. Macdonald returned to power in 1878 his first priority was completing the massive C.P.R. project. After lengthy negotiations the contract with the consortium was signed in 1880. Macdonald was fiercely determined to keep the railway firmly under Canadian control so as to maintain economic and political sovereignty, and equally determined that it follow the costly all-Canadian route north of Lake Superior. The granting of the C.P.R. charter helped to spark a speculative land boom in the valley of the Saskatchewan which was expected to be the route of the new railway. For an area like St. Laurent this provoked the interest of prospective settlers, colonization companies, and land speculators increasing the worries of the Metis about the security of their lands and their land claims.

Macdonald took a very direct and personal involvement in the administration relating to western railway and settlement policies. He kept the Ministry of the Interior in his own hands from 1878 to 1883, and remained Superintendent-General of Indian Affairs until 1887. Under Macdonald the effective boss on most matters was Lawrence Vankoughnet, the Deputy Superintendent, who coupled a very limited imagination with paranoic fears of overspending. He demonstrated little understanding of the social tensions experienced by the native peoples covered by his policies.

Four days after Christmas in 1879 the first locomotive entered Winnipeg crossing the



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ice of the Red River on makeshift rails on its way from the United States destined for future construction work on the C.P.R. Serious work on laying the track took some time to get under way; the bulk of the prairie section of the C.P.R. was built in the 15 months between the summer of 1882 and the late summer of 1883 when it reached Calgary. It was built across the southern reaches of the prairies to cut off any American attempts to tap rail traffic to the American systems, not further north as had earlier been expected. The arrival of the iron horse completed the total displacing of Indian society which had begun with the treaty negotiations for the settlers soon followed the laying of the track. The C.P.R. was the symbolic triumph of white industrial society over the traditional lifestyle and occupations of the native people. Their isolation was shattered. The settlers brought in by the railway spread out across the ancestral hunting grounds of the Cree and the Blackfoot. In one decade there had been profound and traumatic social changes for the Indian. He had changed from being a proud and independent nomad, conscious of his traditions and culture, sure of his identity and livelihood to being a shattered and half-starved individual, confined to the rural ghetto of the new reserves, and dependent on government relief to avoid starvation.

The process of constructing the railway involved an invasion of the prairies with about a 5,000-man work force and the type of co-ordinated effort on a scale never before achieved in Canada. Van Horne ran the operation with the military precision



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that he had learned transporting troops during the American Civil War. Often Indian braves would ride in to watch the "iron snake" push across the plains; they must have reflected on the scene with awe and misgivings. In one day nearing Calgary the C.P.R. laid 6.38 miles of roadbed, ties, and track which has been claimed as a world record for manual labor. Ironically the Indians were responsible for some of the efficiency of the C.P.R. construction crews because prohibition was enforced. Earlier the deprivations of the American whiskey traders had led to those stern regulations being enforced to protect the native population.

During the construction phase of the railway there were several events which came close to sparking serious incidents. In 1882 Chief Piapot's Crees pulled up 40 miles of C.P.R. survey stakes. Piapot believed that the smoke of the engine was an evil medicine that would ruin his people and the building of the railway was a betrayal of the government's promises. He ordered his tribe to camp directly in the path of the construction crews. The police responded by sending two Mounties into camp with orders that the braves must move within 15 minutes. When the time was up, the sergeant calmly kicked over the tepees; the Indians left calmly. In the summer of 1882 the police still retained enough prestige to carry out such acts; three years later the results might have been very different.

Further west the path of railway construction led right through a corner of the Blackfoot Reservation. The Indians came right up to the





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end of the track to confront the construction crews. Wisely the C.P.R. stopped the work and rushed Father Lacombe in to act as a mediator to cool the situation. The legendary priest talked Crowfoot and other tribal leaders into giving up the land in return for new land elsewhere. Van Horne and the railway were so grateful to the priest for avoiding bloodshed and keeping the railway on schedule they held a special meeting of the C.P.R. Board of Directors and made him president of the railway for one hour at a special luncheon in his honor in Calgary. On the 18th of August 1883 the C.P.R. was completed to Calgary from Winnipeg, even though it would take nearly two years further work before the British Columbia and Lake Superior sections would be completed.

The railway penetrated and destroyed the isolation which had been Louis Riel's strength in 1869-70. The arrival of whites in steady swelling numbers meant the emergence of the new type of society based upon white cash-crop agriculture. The greedy scramble for the former Indian lands had profound psychological impacts on the tribes who watched from the side lines on their small reserves. On these reserves the Indians possessed no protective shield from the cultural penetration of the new industrial society with its schools, churches, and goods. It was assumed that the Indian in desperation would gradually adapt to the white concept of farming; after the nomadic existence of the hunter it was hard for him to adjust to the arduous discipline of sod-busting. And



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over this whole scene the railway lurked as the symbol of white power clothed in the mysterious ways of the new technology.

The demoralizing effects of starvation and disease also contributed to the Indians' loss of will and spirit. Father Doucet working with the Blackfoot noted:

"It is hard to recognize in the victims of famine, thin and emaciated, without vigour in their voices, the magnificent savages that I had formerly seen. They are no longer men but walking skeletons."

The problems of starvation were compounded by the problems of the newly introduced white diseases. Even the proud Poundmaker counselled his braves:

"Next summer, or at latest next fall the railway will be close to us. The whites will fill the country and they will dictate to us as they please. It's useless to dream that we can fight them. That time is past."

Later desperation was to drive Poundmaker to disregard his own advice.

The rebellion of the Metis and some of the Indians in the spring of 1885 was the product of land grievances, and other frustrations involved in the loss of their way of life. The Canadian Pacific Railway acted as a catalyst to bring these tensions to a head, although it was not the sole issue. Serious political agitation began in 1884 with meetings involving white settlers and English and French-speaking Metis.



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As a result of the feelings in all three groups, a delegation led by Dumont went south to Montana to talk Louis Riel into returning to head the political movement. Through this period the government officials in Ottawa consistently underestimated the importance of the land issue and were content to procrastinate.

When Riel returned to Canada in the summer of 1884, he was initially very moderate. More meetings were held in the fall to discuss land grievances and the common cause of the Metis, Indians, and whites. In December one final petition of grievances or rights was sent to Ottawa, which was for Riel the pattern of 1869-70 all over again. The document contained 26 grievances, many of which are still of importance in the contemporary scene north of 60. The main complaints were the destitute condition of the Indians who were being fed by white settlers in order to keep the peace and keep them from starving; the failure to provide the Metis with 240 acres each as had been done for their brothers in Manitoba; the failure to provide the Metis with patents for land already occupied; the failure to recognize the rights of old settlers who had arrived prior to the government surveys; and the relaxation of the restrictions on the liquor trade. The document ended with the plea:

"Your humble petitioners are of the opinion that the shortest and most effectual method of remedying these grievances would be to grant the Northwest Territories responsible government with control of its own resources





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and just representation in the Federal  
Parliament and Cabinet."

They requested Macdonald to present a Bill to the  
House of Commons for the organization of the Saskatchewan  
District as a province and for permission to send a  
delegation to Ottawa to work out the details from their  
Bill of Rights. Riel and his followers then sat back  
and waited, confident that <sup>a reply</sup> would not be long in  
coming.

On the 5th of January, 1885 the  
petition was acknowledged by Henry Morgan as Acting  
Under-Secretary of State with the standard,

"The matter will receive due consideration."

After that no formal reply was received, although a  
promise of an inquiry into their grievances was given  
as it had been many times in the past. In fact, Cabinet  
did not consider a draft of a reply until late in  
June after the rebellion had been crushed. In desper-  
ation the Metis led by Dumont began to discuss the  
possibility of armed resistance and a provisional  
government which scared off many of the whites and  
English-speaking Metis, who were not prepared to go that  
far in pressing their claims. Riel seemed unaware of  
the change in legal status and the transportation links  
between 1870 and '85. He had no vision of sweeping the  
white man from the plains nor destroying Canadian  
sovereignty; rather that Ottawa would only respect his  
claims if he forced them to bargain seriously as he had  
done with the entry of Manitoba into Confederation. Due  
to the desperate condition on many reserves, the Metis



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had many potential Indian allies who were now contacted to join the protest.

By the end of February, 1885, Superintendent Crozier of the Northwest Mounted Police was getting desperate for Ottawa to grant the Metis land c laims immediate, and I quote:

"I have the honor to request that matters concerning the half-breeds be settled without delay - couldnot a surveyer be sent now, if it is intended to allow the half-breeds their land .... Then there is the question of the half-breeds being allowed scrip as granted in Manitoba. I must strongly urge that these and other matters already reported upon be attended to at once. Delay causes uneasiness and discontent which spread not only among the half-breeds, but the Indians."

Crozier was well aware of the rising passions and his own precarious position as the upholder of law and order on the prairies. The officials in Ottawa were so overwhelmed with the technical and financial problems of the railway and the political dangers for the Conservative Party that they seemed too preoccupied to render justice to the Metis people. At no point were the claims rejected, but rather always postponed. However, in this case justice delayed was justice denied.

(QUALIFICATIONS & EVIDENCE OF K. YOUNG MARKED  
EXHIBIT 594)

(QUALIFICATIONS & EVIDENCE OF R. PAGE MARKED  
EXHIBIT 595)



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It is not the purpose of this statement to give a detailed account of the rebellion which broke out in March 1885. The initial success of the Metis under Gabriel Dumont in intercepting a force of police and white volunteers near Duck Lake led to the rising of the Cree under Poundmaker near Battleford and Big Bear at Frog Lake. Even a few Sioux from Sitting Bull's army came north to Batoche. The key question then became how wide would the revolt spread. If tribes like the Blackfoot joined it would be a general rising right across the prairies. The worries of Father Lacombe were very clear at this point.

"The Blackfeet were well armed with rifles and they had plenty of cartridges. Among the Indians of the North-West there was a general feeling, with the old and the young, that the time was at hand to finish with the white policy. Many influential Indians were at the time fomenting the fire of rebellion."

Under the moderate leadership of men such as Crowfoot, the other tribes and bands remained aloof from the fighting in spite of the emissaries from Big Bear, Poundmaker, and Dumont. Riel held back Dumont from an aggressive policy of cutting the railway and night raids against Middleton's green troops. Dumont with only 300 fighting men, most of them without modern rifles, feared the outcome if hostilities were to last any length of time.









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1 gamble to improve his bargaining power with government.  
2 Yet the failure of his move left them all the more  
3 open to cultural and social impact. The Metis people --  
4 the Metis as a people were not only defeated but as a  
5 distinct "national" entity in northern Saskatchewan, they  
6 were destroyed and largely dispersed. Their homes were  
7 burned and looted; some fled to the United States; some  
8 to the Indian reserves; some migrated north and west to  
9 the valley of the Mackenzie. Those who did not join  
10 the rebels were granted their lands or "scrip" so long  
11 delayed by the negligent Ottawa authorities. The  
12 commission established in 1885 allowed Metis children  
13 born before July 15, 1870 the option of "scrip" worth  
14 \$240 or "land scrip" which could be exchanged for  
15 240 acres of unoccupied Dominion lands. The "Heads of  
16 Families" could also choose between the two types of  
17 scrip but the denominations were limited to \$160 or  
18 160 acres. Discussion and settlement of the claims  
19 dragged on for years; in 1913, a number were re-examined  
20 by federal authorities. The precedents were also  
21 considered carefully in devising the Metis provisions  
22 in Treaty 8 (1899) and Treaty 11 (1921) for the areas  
23 further north.  
24

25 The granting of the money  
26 or land rights brought little long term prosperity or  
27 stability to the Metis of northern Saskatchewan. Their  
28 society was shattered and their leaders dispersed.  
29 Ignorance of the real value of the land and lack of  
30 interest in settling down to an agricultural life led



Young, Jones, Page,  
McCullum, Richardson  
In Chief

1  
2 to white land speculators moving in to buy up the land  
3 scrip below its existing cash value of \$1.00 per acre.  
4 They even faked titles to acquire blocks of land  
5 and personal fortunes. Once the Metis money was gone  
6 many of the fled north and west to where they could  
7 still hunt and fish; others gravitated to the cities.  
8 The development of the railway gradually eliminated  
9 their freighting of goods along the river valleys. They  
10 had experienced the twin problems of loss of pride  
11 coupled with severe poverty. Together they produced the  
12 social milieu in which alcoholism, prostitution, and  
13 crime could flourish in the same way as in similar  
14 economic groups within white society. Poverty and  
15 alienation as well bred violence internally within the  
16 society. It was a severe price to pay for the rebellion  
17 and land claims dispute. The roots of their cultural  
18 identity as well as their economic prosperity and social  
19 stability went back to the land in a spiritual as well  
20 as a social sense. When their land was challenged by  
21 the Macdonald government's callous apathy to their  
22 claims, it was their instinct for self-preservation  
23 which led them on to rebel.

24 If one follows the  
25 debate on the rebellion in eastern Canada, there was a  
26 kind of blind commitment to the railway and its importance  
27 to the nation. For Canada like Germany railways were the  
28 great means of national political consolidation. As  
29 well for eastern Canada, the issue became a bitter one  
30 and far removed from the problems of the Metis on the



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1 Saskatchewan. Instead it became the "Riel" issue with  
2 Riel the glorious martyr for French Canada on one side  
3 and the anti-Christ to Orangemen in the bitter  
4 religious and ethnic feuding of the 1880's. Thus there  
5 was little consideration of the basic issue of land  
6 rights for native people.

7  
8 In retrospect, there are  
9 many comments which could be made about the C.P.R.  
10 and the way it dragged the whole nation to serious  
11 mistakes which need not have been made. The Macdonald  
12 government became so committed to the massive development  
13 project because the financing of this transportation  
14 system was more than the private consortium could manage.

15 As a result the  
16 government had to intervene deeper and deeper to keep the  
17 project afloat and the prestige to the government became  
18 linked to the successful completion of the project. The  
19 Macdonald government lost its perspective on human  
20 priorities such as the Metis land claims or starvation  
21 on the Indian reservations. In particular if the Metis  
22 land claims had been settled prior to construction of  
23 the C.P.R., then the rebellion with all its tragic  
24 social and cultural impacts could have been avoided. It  
25 is very easy to blame the personal failings of John A.  
26 Macdonald and an apathetic bureaucracy. But they were  
27 distracted and blinded by the overriding importance of  
28 the railway. The iron horse was the great symbol of  
29 economic progress in the 19th century and Canadian  
30 society was intolerant to minority groups like the Metis





Young, Jones, Page,  
McCullum, Richardson  
In Chief

1  
2 who appeared to hold up economic development and nation  
3 building. For Canadians in the Victorian era life and  
4 history were a struggle for survival as Charles  
5 Darwin had shown in biology. The Metis on the banks  
6 of the Saskatchewan were merely another example of  
7 the inevitable casualties to economics, to economic  
8 progress and the relentless imperial process of Canada  
9 from sea to sea.

10 Thank you, Mr. Commissioner.

11 THE COMMISSIONER: Thank you,  
12 Dr. Page.

13 Well, we'll adjourn then  
14 until 9:30 tomorrow morning when this panel will be  
15 questioned and then we will go on with the next panel.

16 (PROCEEDINGS ADJOURNED TILL APRIL 28, 1976)  
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Vol. 146

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| <i>Apr 27, 1976</i> | <i>[Signature]</i> |
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MACKENZIE VALLEY PIPELINE INQUIRY

Government  
Publication

IN THE MATTER OF APPLICATIONS BY EACH OF  
(a) CANADIAN ARCTIC GAS PIPELINE LIMITED FOR A  
RIGHT-OF-WAY THAT MIGHT BE GRANTED ACROSS  
CROWN LANDS WITHIN THE YUKON TERRITORY AND  
THE NORTHWEST TERRITORIES; and  
(b) FOOTHILLS PIPE LINES LTD. FOR A RIGHT-OF-WAY  
THAT MIGHT BE GRANTED ACROSS CROWN LANDS  
WITHIN THE NORTHWEST TERRITORIES;  
FOR THE PURPOSE OF A PROPOSED MACKENZIE VALLEY PIPELINE  
and

IN THE MATTER OF THE SOCIAL, ENVIRONMENTAL AND  
ECONOMIC IMPACT REGIONALLY OF THE CONSTRUCTION,  
OPERATION AND SUBSEQUENT ABANDONMENT OF THE ABOVE  
PROPOSED PIPELINE

(Before the Honourable Mr. Justice Berger, Commissioner)

Yellowknife, N.W.T.

April 28, 1976.

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PROCEEDINGS AT INQUIRY

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Volume 147

CANADIAN ARCTIC  
GAS PIPELINE  
INQUIRY  
1976-77



1 APPEARANCES:

2 Mr. Ian G. Scott, Q.C.,  
 3 Mr. Stephen T. Goudge,  
 4 Mr. Alick Ryder and  
 5 Mr. Ian Roland for Mackenzie Valley Pipeline  
 6 Inquiry;  
 7  
 8 Mr. Pierre Genest, Q.C.,  
 9 Mr. Jack Marshall,  
 10 Mr. Darryl Carter and  
 11 Mr. J.T. Steeves for Canadian Arctic Gas Pipeline  
 12 Limited.  
 13 Mr. Reginald Gibbs, Q.C.,  
 14 Mr. Alan Hollingworth and  
 15 Mr. John W. Lutes for Foothills Pipe Lines Ltd.;  
 16  
 17 Mr. Russell Anthony,  
 18 Prof. Alastair Lucas and  
 19 Mr. Garth Evans for Canadian Arctic Resources  
 20 Committee;  
 21  
 22 Mr. Glen W. Bell and  
 23 Mr. Gerry Sutton for Northwest Territories  
 24 Indian Brotherhood, and  
 25 Metis Association of the  
 26 Northwest Territories;  
 27  
 28 Mr. John Bayly and  
 29 Miss Leslie Lane for Inuit Tapirisat of Canada,  
 30 and The Committee for  
 Original Peoples Entitle-  
 ment;  
 Mr. Ron Veale and  
 Mr. Allen Lueck for The Council for the Yukon  
 Indians;  
 Mr. Carson Templeton for Environment Protection  
 Board;  
 Mr. David H. Searle, Q.C. for Northwest Territories  
 Chamber of Commerce  
 Mr. Murray Sigler for The Association of Munici-  
 palities;  
 Mr. John Ballem, Q.C. for Producer Companies;  
 Mrs. Joanne MacQuarrie, for Mental Health Association  
 of the Northwest Territor  
 ies.

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 GAS STUDY LTD.

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Freddy GREENLAND

Charlie SNOWSHOE

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Yellowknife, N.W.T.,

April 28, 1976.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. BELL: Just before we proceed with the cross-examination, sir, we are marking as exhibits for this panel the prepared evidence and the appendices thereto, Mr. McCullum's book, "This Land is Not For Sale", Mr. Richardson's book, "Strangers Devour the Land", a copy of the James Bay Agreement, the summary report of the Lake Winnipeg, Churchill and Nelson River Study Board, and the set of photographs that we left with you yesterday, sir.

THE COMMISSIONER: Just before cross-examination begins, I was chatting with Dr. Page just before we began this morning and I asked Dr. Page if the account he gave us yesterday of the causes of the Riel Rebellion, the Red River Rebellion, and the Northwest Rebellion represented a consensus of what Canadian historians generally would tell us, and maybe you'd just repeat and enlarge upon, if you wish, what you told me, Dr. Page.

KENNETH B. YOUNG,  
RAYMOND JONES,  
HUGH McCULLUM,  
BOYCE RICHARDSON,  
ROBERT PAGE, resumed:

WITNESS PAGE: Right, I'm very happy to, Mr. Commissioner. In terms of the background as historians have viewed the rebellion, I would say that going back to the work of George Stanley about 30 years ago, he emphasized very, very clearly the inter-relationship



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1 to the land and the land question, and coming through  
2 that, through a very good former colleague of mine,  
3 W. L. Morton, who has also done considerable work on  
4 the west and I think the same kind of interpretation  
5 has come out, and finally prior to coming north in the  
6 last two weeks I showed my paper to several other  
7 prominent Canadian historians and they concurred in  
8 terms of then the general interpretation that I had  
9 taken. So I would argue that I think especially among  
10 the younger Canadian historians who are working today,  
11 this is very much the kind of interpretation that you  
12 would find in quite a number of the works.

13 ("THIS LAND IS NOT FOR SALE" BY H. & K. McCULLUM  
14 MARKED EXHIBIT 596)

15 ("STRANGERS DEVOUR THE LAND" BY B. RICHARDSON  
16 MARKED EXHIBIT 597)

17 (SUMMARY REPORT, LAKE WINNIPEG, CHURCHILL &  
18 NELSON RIVERS STUDY BOARD, APRIL 1975 MARKED  
19 EXHIBIT 598)

20 (JAMES BAY AGREEMENT MARKED EXHIBIT 599)

21 (PHOTOGRAPHS RE EVIDENCE OF K. YOUNG, APRIL  
22 27, 1976 MARKED EXHIBIT 600)

23 MR. SCOTT: Mr. Bayly?

24 MR. BAYLY: No questions.

25 MR. HOLLINGWORTH: I have no  
26 questions.

27 MR. SCOTT: Mr. Sigler?

28  
29 CROSS-EXAMINATION BY MR. SIGLER:

30 Q I'd like to ask Mr. Page





Young, Jones, McCullum  
Richardson, Page  
Cross-Exam by Sigler

what other causes -- what other factors might have led to the Riel Rebellion, other than land?

A Other than land? Well, as I tried to state in my paper that you have tied together, the land question is tied into the question of the arrival of the white settlers and the arrival of the railway. Undoubtedly there were white settlers coming onto the prairies beyond Red River before the railway was built, but at least some of those settlers were in fact arriving in anticipation of the railway which had already been announced. So that in the paper I tried to argue that the question of the railway then and of white settlement has to be really dealt with together.

In addition to that I think the issue of the decline of the buffalo is a very important one, and the decline of the buffalo begins before either white settlement in serious numbers begins, or the railway is even announced. However, the rate of decline is increased very, very significantly during the 1870s as both approached, and so that even on the question of the buffalo it is tied in directly, and it's the last of the buffalo hunts really take place in '78 and '79, when in fact white settlement in serious numbers have begun.

I don't know if that's enough for you, or --

Q What role would you say the personal political fate of Mr. Riel had in causing the rebellion, the first rebellion?

THE COMMISSIONER: His personal



Young, Jones, McCullum  
Richardson, Page  
Cross-Exam by Sigler

political faith?

MR. SIGLER: His personal  
political experiences.

A You mean in terms of the  
earlier Manitoba situation and the fact that he had  
had some grievances against -- personal grievances  
against the Canadian Government as opposed to just the  
land settlement per se; well I think as I pointed out  
in the paper although those exist, the key thing to  
remember is that he came back to the Valley of the  
Saskatchewan on the personal invitation of Gabriel  
Dumont, and that had <sup>then</sup> those grievances not existed in  
the Valley of the Saskatchewan, Riel himself would never  
have returned, and I think that's the key point here.

I might also add that I think  
it's important because I think especially in Eastern  
Canada the very nature of the rebellion has, I think,  
been distorted in the public perception. I think it's  
been viewed partly as a result of French Canada's  
reaction to Riel as a kind of symbolic struggle between  
the French and English language on the prairies, and  
on some of the religious questions that Riel got into,  
and I think that to understand the rebellion what you've  
got to do is not look so much at Riel, but look very  
much at Gabriel Dumont because he is really the  
spokesman, he is really the type of problem which the  
rebellion of 1885 was all about, rather than the -- Riel  
gave political leadership to it because for instance  
Dumont was himself illiterate, and therefore Dumont looked



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Cross-Exam by Sigler

to Riel to give expression to his grievances because he  
felt to a certain extent politically and from a literary  
point of view, inadequate to do it. But those grievances  
were very real and they were the things that were really  
driving people to support both Dumont and Riel.



Young, Jones, ~~Page~~  
McCullum, Richardson  
Cross-Exam by Sigler

Q So you say that your opinion is that there would have still been a rebellion if there had not been a Riel?

A That's right, and that Riel possibly gave greater political articulation to some of those issues but those grievances were certainly very real.

THE COMMISSIONER: Well, could I just add something? You made it clear that in your view there would have been a Northwest Rebellion in 1885 if there hadn't been a Riel. What about the Red River Rebellion? Would that have occurred without Riel; I mean insofar as you can express an opinion?

A That's right. As ancient as some of my students claim I am, I must -- going back to 1869-70, I think the basic point here is to once again realize that you were in a situation in which a people felt totally helpless in the sense that sovereignty had been transferred without any kind of representative institutions developing in the Red River and so whether you're talking about the Metis or some of the early white settlers, both of them feel a very strong sense of grievance that they have just been sold to the Canadians by the British Government. Therefore, they want a voice in negotiating their entry into Confederation. I think if you go back to the negotiations, they're not really challenging Canadian sovereignty here but they're wanting a voice in the negotiations and in that settlement, and whether it would have taken the





Young, Jones, Page  
McCullum, Richardson  
Cross-Exam by Sigler

1 exact form that it evolved under Riel is difficult to  
2 be sure, but some type of forced negotiations would have  
3 taken place, I am quite sure.  
4

5 But one real qualification, Mr.  
6 Commissioner I think I would make, is in the role of the  
7 death of Scott which was seen in the east as the murder  
8 of Scott. I think Riel had a central role to play there  
9 and I think that is to a certain extent unfortunate,  
10 because it's really the death of Scott rather than the  
11 political confrontation of Riel that is the key issue  
12 for the Orangemen in Ontario which then leads so many of  
13 the eastern political aspects of the crises to mount up.

14 So, coming back to your basic  
15 point, a few of the details or the peripheral matters in  
16 the rebellion -- I shouldn't say really "rebellion"  
17 because 69-'70 isn't, but in terms of the sequence of  
18 events, might have been a little different but some  
19 kind of confrontation and negotiations I'm sure would  
20 have taken place.

21 MR. SIGLER:

22 I wonder -- have you had  
23 the opportunity to, in considering the historical perspec-  
24 tive of the say Northwest Rebellion to be able to  
25 comment on what impact that had in the role of the plight  
26 of the Metis and other native people of the western  
27 provinces after the rebellion? Did that rebellion help  
28 their cause or did it hurt their cause in historical  
29 perspective?

30 A Now, say --

31 Q Seeing how they were dealt



Young, Jones, Page  
McCullum, Richardson  
Cross-Exam by Sigler

with in the next few decades by the government?

A O.K., now if I can take that first of all in terms of the people who were directly effected by the settlement that came out of the '69-70 events, now, in terms of the Metis in the Red River area, following Manitoba's entry into Confederation in the settlement, a number of them did get then the claims that they wished for their land and some of them, in fact, resided permanently, became sedentary in the area and their descendants have come right down to today.

On the other hand, some of them were not able to fully adapt once white farmers so to speak, pressed in around them, and they then in turn trekked on to the Saskatchewan and so that a number of the families that you're dealing with in the valley of the Saskatchewan in 1884-85 are people who have migrated west from the Red River. So, you've got really then the two groups that come out of that settlement, some of whom are prepared to accept it and work in terms of sedentary agriculture in that area, and others who feel that they then have to migrate further west.

Now, I can go into greater detail--

THE COMMISSIONER: I think Mr. Sigler is saying, did it do them any good in 1885 to mount a rebellion or did they wind up worse off than they would have been? Is that your point?

MR. SIGLER: Well more or less. After the rebellion was over, what impact did the fact that there was a rebellion have in how the Canadian



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Government dealt with <sup>the</sup> Metis and with other native people? Did it make the government do less for the people in the decades that followed or did it lead to the government doing more?

A Well, I dealt with this partly in the paper and I'm trying to find the exact point but I think it's on the bottom of -- yes, the bottom of page 13 and I might go back to that first of all and then elaborate further for you if you'd like.





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There I state:

"Riel staked the future of his people on a bold gamble to improve his bargaining power with the government. Yet the failure of his move left them all the more open to social and cultural impact. The Metis as a people were not only defeated, but as a distinct national entity in Northern Saskatchewan they were destroyed and dispersed. Their homes were burned and looted, some fled to the United States, some to the Indian Reserves, and some migrated north and west to the Mackenzie Valley. Those who did not join the rebels were granted their lands or "scrip", so long delayed by the negligent Ottawa authorities.

The Commission established in 1885 allowed the Metis children born before July 15, 1870 the option of "scrip" of 240, or "land scrip" which could be exchanged for 240 acres of unoccupied Dominion land, and for heads of families there were other provisions."

But what I'd like to take up, because I think this is really the gist of your question here, is that what this tended to do, was it tended to destroy the social fibre in this community. Their leaders were gone. The kind of stable prosperous social institutions, which had been evolving in the Valley of the Saskatchewan from the early 1870s, as I went into earlier in the paper, these in fact are really disrupted by the rebellion, and so from a social point of view there is very, very



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serious damage done to the society, in fact it no longer continues to exist in the way that it had before.

Now this has a number of sort of implications.

(1) It meant that some of those who remained in Canada then migrated to the cities, and in many cases to welfare and to other social questions. Some fled to the United States because there were some in exile from an earlier period that were still down there, and so they felt at home in moving to some areas of Montana or the Dakotas, and thirdly as well, some migrated north and west, some to the Peace River area, and some further north of the Mackenzie Valley.

Is that adequate for you, or --

Q I think so; and the role of say those people today, how <sup>much</sup> is their role in the terms of the plight they had in cities and reserves, say tied to the fact that there are cities and are reserves because we have neither say large cities nor except for the Hay River situation, reserves in the Northwest Territories?

A You mean of those who came north?

Q Right.

A Those who came north were the ones who were wishing to then preserve their hunting and trapping, and therefore they're not involved. When I was talking earlier I was talking about those who went to Edmonton or later to Regina or Winnipeg.



Young, Jones, McCullum  
Richardson, Page  
Cross-Exam by Sigler

1                   Q     That happened to those  
2 people in the south because their cities had grown up  
3 where they were trapped into, say, and their reserve  
4 system had been established.

5                   A     That's right.

6                   Q     But so I take it then  
7 it follows that because there's no large cities and  
8 no reserves in the north that this isn't necessarily  
9 going to be the fate of these people up here.

10                  A     No, the attractions to  
11 come north are different from the attractions in the  
12 south in terms of the reasons why people were migrating.

13                  Q     You wouldn't suggest that  
14 large cities and reserves necessarily follow with the  
15 Mackenzie Valley Gas Pipeline.

16                  A     No, I'm not prepared  
17 to speculate what is going to follow, if it's  
18 built, the Mackenzie Valley Pipeline.

19                  Q     That's what I'd like to  
20 hear from this panel, what they would see would follow  
21 from the Mackenzie Valley Gas Pipeline because I'd  
22 suggest that this is the relevance of this panel to  
23 this hearing.

24                  A     Well, can I just say one  
25 thing on this because I think it's very important. I  
26 think that my own feeling here is that in looking back  
27 in my own paper what has happened in the past, I think  
28 we can see some of the mistakes we've made in the past.  
29 I don't think I can act as a prophet. I think it would  
30 be very wrong for me to act as a prophet. On the other



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hand, I think that's a different question from looking seriously at the kind of economic and social impacts which we have had with other projects because I think to a certain extent a country should attempt to learn from its mistakes, attempt to see what those social and economic impacts and cushion them for the future. But I would be very loathe to argue what kind of political form or political structure will be the result of the very important negotiations that will be going on.

Q No, that wasn't my question. I wanted to ask yourself and other members of your panel what they saw as the social and economic impact of this proposal before this Inquiry.

THE COMMISSIONER: Well, could I just interrupt you for a moment, Mr. Sigler? Because you're opening something up that these gentlemen, I have no doubt, would be happy to pursue, but Dr. Page has told us what the impact of the C.P.R. was on the Indian and Metis people, and the white settlers in the west. Mr. Richardson has talked about the impact of the James Bay development on native people. Mr. McCullum has talked about the impact of development generally on native people throughout Northern Canada, and Mr. Jones about the impact of the development in the north-west quadrant of British Columbia on native peoples there.

Mr. Young has talked about the impact of the flooding or damming of the Churchill River -- I hope I'm not committing some awful geographical blunder in





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Cross-Exam by Sigler

1 putting it that way -- on the native people in Northern  
2 Manitoba.

3 Now I thought your objective,  
4 Mr. Bell, was that these gentlemen, having left it to  
5 us to draw whatever comparisons we thought appropriate,  
6 to learn whatever lessons we felt could be learned from  
7 the experience they had related with these other things,  
8 that you hadn't invited them to say, "All right, tell  
9 us what's going to happen here on the Mackenzie Valley."  
10 That's what you're inviting them to do, and I have no  
11 doubt that we're in for it, but --

12 MR. SIGLER: Sir, the point  
13 I was trying to get through my questioning was that  
14 certainly this expertise is now available to this  
15 Inquiry; <sup>I suggest</sup> this expertise is only valuable to this Inquiry  
16 if it can be related to the subject matter of this  
17 Inquiry, and who better can relate it to the subject  
18 matter of this Inquiry than the people that have the  
19 expertise?  
20  
21  
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24  
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28  
29



Young, Jones, Page  
McCullum, Richardson  
Cross-Exam by Sigler

THE COMMISSIONER: Well I thought they were going to leave that to us but however let's go ahead. I'm not stopping you I just wanted you to understand that --

MR. SIGLER: Well, the point is sir that if the same things happen in history --

THE COMMISSIONER: Yes.

MR. SIGLER: If we don't ask them to go to that next point, then are we simply to presume that all these things we've mentioned are going to happen now or -- I'd like their views on what --

THE COMMISSIONER: All right, all right. Let's go ahead.

MR. SIGLER: And what the lessons are in today's context. They told us the experience but I don't know if they told us the lesson. If they -- if they -- at least I would like to hear from them what they say the lessons are from their own ---

THE COMMISSIONER: Well, I'd like to hear too, then.

MR. SCOTT: I would hope Mr. Sigler could ask the question I'm sure for his clients. He doesn't necessarily want to be bound by their answers.

MR. SIGLER: I'm not bound by anyone's answers.

THE COMMISSIONER: No one's bound by anyone's answers. Let's have that understood. Well gentlemen? Now let's go ahead and you understand now what Mr. Sigler's getting at and please feel free to offer us your views.



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WITNESS McCULLUM: Well I guess some of my views would be in the realm of prophesy of course because the pipeline hasn't been started nor has it -- at least, theoretically, there hasn't even been a decision made about it yet.

THE COMMISSIONER: You might pull the microphone closer to you sir.

A But if the pattern of northern development follows here as it has in the most recent northern development instances that we've outlined in our presentations yesterday, I think that native people in the north in particular are in for a rough time because no matter how many guarantees are made, no matter how many attempts to profit from the mistakes of the past, it seems that you are dealing with a great deal of human problems and when Mr. Bourassa announced the Project of the Century in Quebec, it was to create a 125,000 jobs which have never materialized. It was to bring the native people into the 20th century whether they wanted to or not, to bring them into the wage economy whether they wanted to or not. Of course, all it has really done as far as the Cree and to a certain limited extent, the Inuit, has to put them on the welfare rolls.

These promises were made only four, almost five years ago and this is not a C.P.R. project which we could learn from, this is a modern northern development which was created for the very purpose of making life better for the people of the north and I guess hopefully for the people of the south. It's





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1 not materialized and I think that these are the lessons  
2 that we could learn but it appears that in developing  
3 the north that the main thing to do is to get it  
4 developed and get the resources out and get them south  
5 as quickly and as expeditiously and as cheaply as  
6 possible and that the social and economic impact -- or  
7 social and cultural and political impacts are -- well,  
8 they're in the way, generally speaking.

9 I don't think that they're --  
10 I haven't seen any guarantees from any of the applicants  
11 and I would be very interested to hear some guarantees  
12 from any of the applicants that the mistakes that were  
13 made in James Bay or Manitoba or British Columbia would  
14 not be repeated here. There are promises, but the history  
15 of the native people in the north is broken promises.

16 MR. SIGLER: So you're saying  
17 that the social economic policies of the applicants  
18 don't go far enough?

19 A I'm saying that social  
20 and economic impacts, all of which have not been brought  
21 out, I gather, are not sufficiently guaranteed.

22 If there could for example, be  
23 guarantees that native people would have an opportunity  
24 to monitor every aspect of the social and political impacts  
25 of the pipeline, perhaps that would be a help. If there  
26 could be guarantees of jobs, I mean  
27 real guarantees, not just some public relations  
28 speculation.

29 Q No, I'm not concerned  
just with the native people of the north but also the



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non-native.

A You're not concerned with the native people?

Q Not only with the native people, but also with the non-native people in terms of all northerners, and you're saying that beyond policies, we need some kind of guarantees to make sure these social policies that are going to -- of the applicants are, in fact, carried out. What kind of guarantees do you think would be needed?

A Well, I think the guarantees would be needed as some of the impacts that we have outlined in our positions in other areas of Canada would not be repeated and I suspect that, you know, the applicants really can't make those guarantees.

Q So you think that's up to --

A I said I suspect they can't make those guarantees because how do you know when you're negotiating labor contracts with several thousand construction workers that they're going to agree to the kinds of restrictions that the applicants have suggested will be made in the construction phase.

Q So you say it might be impossible for anyone to make those kind -- to guarantee these conditions that would be needed.

A I think, well, it would be interesting to see if the applicants will be prepared to do so.

WITNESS RICHARDSON: Implicit



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to that question is the assumption that the pipeline is going to be built so the question is --

Q Right.

A If the pipeline is built then,

Q Is there any way that we can --

A I agree with the Commissioner that it's really his job to decide those impacts and structures that might be necessary if the pipeline is built. However, I've only one constructive suggestion to make, which is that Arctic Gas should fold up its tent and steal away and in the name of decent and humane government in Canada, they have the chance to make that tremendous contribution.

Q So you're saying that would be the -- from your point, that that would be the easiest solution to the social issues that the application has made.

A It might also be a contribution --

Q You apply that to Foothills as well? I take it.

A Yes.

WITNESS PAGE: If I can try to reply directly to your question, I was afraid, Mr. Commissioner earlier that I would have been ruled out of order had I begun which was one of the reasons why I hesitated, but, from my perspective, historically in Canada I think Ottawa has had great difficulty in fulfilling obligations with regard to land claims,



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whether one looks at '69-70 in Manitoba or one looks  
in '85 in the valley of Saskatchewan, they were never  
properly fulfilled, at least to the satisfaction of  
the people concerned. I see that as a continuing  
problem with the Mackenzie Valley as well.

Secondly, I see the scale of  
the financing that's involved with this project being  
so massive that it is going to affect people who wish  
to buy houses in southern Ontario for mortgage funds  
or people who are financing secondary industry. So,  
like the C.P.R. it's going to affect the whole Canadian  
financial structure and I see particular problems here  
whether it's municipal financing, private financing  
or corporate financing.





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Thirdly, from a historic point of view I think we have almost always underestimated the long-term environmental costs of development projects, and this becomes extremely important because the corporate applicants usually do not end up paying the environmental -- the long-term environmental costs; it usually ends up with government, and what I'm getting at specifically here of course are things like the Columbia River Treaty where we made some very basic and some very serious mistakes with regard to estimating long-term environmental costs.

Thirdly, I think that we're into<sup>\*</sup> with this specific project a couple of aspects of economic development which we have not considered before in our history. The Canadian Arctic Gas application is for an all-events style tariff, and that means that the Canadian consumer right across the country is going to be facing the implications of that on a long-term basis, not<sup>just</sup> northerners as well. In other words, there are guarantees with regard to payment, irrespective of whether that gas arrives.

In addition to that on the financial question, I see the issue of the government guaranteeing the cost over on bonds of Canadian Arctic Gas also being an issue which is emerging in Bay Street and St. James Street, in the sense that you are really then asking for in advance for some type of government support, and we've already had the example with the Syncrude project, of the government having to bail out



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private enterprise toward the end of the project, and I think that there are a growing number of Canadians who are concerned with the size of those government guarantees on cost over on bonds involved.

The last thing I'd say which I'm concerned about is the level of inflation at the local level in particular, for citizens in the north and I'm sure you've had evidence in Alaska which properly demonstrates that. Very quickly, those are some of concerns I see as a person looking at it from the point of view of political economy.

Q I will ask you one more question. One of the concerns you just mentioned was municipal financing. I wonder if you could just expand on that a little?

A Well, what I'm getting at here is --

THE COMMISSIONER: Mr. Sigler represents the municipalities of the north.

A One of the things that I'm getting at here is that I can see with the kind of massive influx that you get into with major projects like this, pressure on serviced land, pressure in terms of a whole series of municipal services which are then often having to be financed from local tax bases, and in many cases they may in fact be inadequate in terms of it. I'm not in detail familiar with all the details here but these are some of the concerns that I've certainly read about, and that was the kind of thing I was thinking about here.



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MR. SIGLER: I wonder if the rest of the panel, from their experiences with the projects they've commented on, could be in a position to comment on what effects it may have on municipal financing or municipal levels of government in the development areas?

THE COMMISSIONER: Well, before we do that, Mr. Jones, do you wish -- or do you, Mr. Young, wish to apply the knowledge you've gained from your own provinces to the Mackenzie Valley?

WITNESS YOUNG: I think I will make a comment. I think that the comments read that runs through all, since the C.P.R. was built in the latter part of the last century, and now to the rest of the projects where Indian people or native people have been affected by so-called progress, is that they -- those people who are to be impacted by the projects have never been involved in the planning. It's always been governments and it's always been big corporations, multi-national corporations who have done the planning for the people, and I think that it behooves the people who represent corporations -- lawyers, economists, sociologists, whoever they be -- that where people who are underprivileged such as the native people, it doesn't have to be native people, it can be anywhere in the world, people who are going to be impacted by projects which are planned improperly, it behooves the advisors to tell those big corporations that, "Listen, these certain people that you are going to impact have rights. Let's recognize them. Let's deal with them first before we





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1 begin to build the project."

2 As it stands now, it's 1976,  
3 people, corporations are still behaving in the same  
4 manner. Lawyers are still making big money. Advisors  
5 are still making big money. But the people that are  
6 impacted the most by these projects in their progress,  
7 I don't see much progress if they overrun people's rights.  
8 I'm not saying this because I am an Indian; I'm saying  
9 it because I'm a lawyer and I think I appreciate a  
10 few legal facts. I think I can foresee, and I hope  
11 this does not happen, that if corporations, if the  
12 Canadian Government continues to do what it's doing,  
13 with respect to native rights, native people, that  
14 you're going to see another rebellion, maybe not as  
15 bad as -- with guns, etc., but I think that you're  
16 going to see that native people are going to start  
17 blowing up a few dams and a few hydro power lines and  
18 a few pipelines, and I hope that doesn't come to that.

19 But I think a lot depends on  
20 the advisors to these companies. I think all you need  
21 is, you know, human sympathy and understanding for these  
22 people. You've heard enough evidence here to show you  
23 that these people are serious and they want their  
24 rights recognized, and I think that the problem to me  
25 is not very complex. I think it's very simple.

26 MR. SIGLER: Q As a lawyer,  
27 how would you say the people should be treated by  
28 the government if they did start blowing up dams?

29 A Well, I think you can answer  
that. I think they should be treated the same way as



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1 everybody, but I think they would be entitled to have  
2 an argument in Court stating that "someone is trespassing  
3 on our property." I don't think legal title has  
4 ever been settled in the Northwest Territories. Whose  
5 property is it? Is it the Dene people or the government's  
6 or the corporations? I think that has to be settled  
7 first before the people can be prosecuted for that.

8 WITNESS McCULLUM: Mr. Commis-  
9 sioner, could I respond to Mr. Sigler's earlier question?

10 THE COMMISSIONER: Yes. I just  
11 want to give Mr. Jones a crack at this.

12 WITNESS JONES: Thank you, Mr.  
13 Commissioner. On the counsel's question of if a  
14 pipeline were to be built and large cities follow, my  
15 brief experience up here (this is my first trip up  
16 here), and prior to coming up here I've read and watched  
17 a lot of  
18 television documents on the fact that the Canadian north  
19 is a very delicate area and small matters can upset the  
20 balance. Again, I notice there is an imbalance in the  
21 way of life in this particular town. Certain people  
22 seem to have more rights than others, and I feel that if  
23 there is no proper negotiations, discussions, and  
24 solutions prior to a pipeline this imbalance will just  
25 intensify. Thank you.

26 THE COMMISSIONER: Mr. McCullum,  
27 you wanted to add something?

28 WITNESS McCULLUM: In 1973  
29 the C.N.R. employed a sociologist to examine the  
30 conditions of the Town of Terrace in north-western  
31 B.C., if a major industrial development project were to



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1 proceed. Mr. Horswill spent about 14 months on this  
2 study and presented it to the C.N.R., who have to date  
3 not released it. I was able to read most of the report  
4 or all of the report, and if you can pry it out of the  
5 C.N.R. I think it might be well worth looking at.

6 But one of the things he says:

7 "The north is already a chaotic concentration of  
8 people, and if it is to become the --"

9 O Excuse me, is that  
10 Northern B.C.?

11 A Yes, sorry.

12 "...and if Terrace is to become the new  
13 urban centre of the north, as the development  
14 scheme suggests, its 12,000 people would double  
15 or more when the construction of the C.N.R.  
16 starts. Already the town's tax structure, services  
17 and schools are seriously overcrowded, but no  
concern or knowledge of this problem which is  
expected to be repeated in Chetwynd, Fort Nelson,  
Smithers, Prince Rupert, Prince George and Fort  
St. John, was expressed by the promoters of the  
northwest development scheme in Victoria and  
23 Ottawa."

24  
25  
26  
27  
28  
29



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report,

Horswill's/ which has never  
been officially released by the C.N.R. predicts inadequate housing, poor health and increasing rates of alcoholism and mental illness in Terrace, if it experiences the type of rapid growth that is envisaged by the developments of the Northwest and he goes on for about 128 pages in this vein.

MR. SIGLER: Who would one contact in the C.N.R. to get a copy of that?

A Mr. Horswill might have some ideas. He works for Apex Consultants in Winlaw, B.C.

WITNESS RICHARDSON: Mr. Sigler, I can't really respond on the effect of the James Bay project on the municipalities in that area because in fact, they weren't municipalities. They were Indian villages which are now being created municipalities. So, one can hardly say that they had a standard municipal financial structure. However, so it's obvious that so far as the north gets attached to the southern economic system then the municipalities will be exposed to all of the pressures that are on municipal governments in the south and in fact all over the world.

I think it's true to say that there is a sort of financing crises although "crises" might be too strong a word, all over the world in municipal financing. It is -- One thing that does strike me is that in building towns in the north, you're building on virgin territory as it were and it seems --

Q That's questionable I





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1 understand.  
2

3 A -- strange that so many  
4 opportunities have been missed and I think for  
5 example, that the opportunity exists up here to take all  
6 the possible future development land into public owner-  
7 ship which would be a very constructive thing and which  
8 governments everywhere are now trying to do in a desperate  
9 attempt to moderate the escalation of land prices. There  
10 are very many things of that nature which could be done  
11 up here, I think, which might moderate the impact of  
12 this development if it takes place.

13 Q Right. Well, I take it  
14 then, you said too at the beginning that in James Bay  
15 area, that the traditional municipal form of government  
16 has been imposed on the native villages now?

17 A Well, it's soon going to  
18 be.

19 Q I take it it would be the  
20 view of yourself that this shouldn't be the case, that  
21 the southern concept of municipal government should not  
22 be imposed on the native villages when the development  
23 comes?

24 A Oh --

25 Q -- that a more traditional  
26 form of government should be retained for the villages.

27 A Yes, I doubt if it will  
28 be an improvement actually. I don't see why it should  
29 be.

THE COMMISSIONER: Dr. Page,



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1 could I just ask you one thing, the Northwest Rebellion  
2 of 1885, that was an armed uprising by Metis and Indian  
3 people. You said that the events at the Red River  
4 settlement in '69-70 shouldn't be characterized as a  
5 rebellion. Riel did establish, he and his followers,  
6 established a provisional government which held, in  
7 fact, control over the settlement for some months.  
8 How would you characterize the events in the Red -- at  
9 the Red River settlement, if it's a rebellion?

10 WITNESS PAGE: Well, I think  
11 what you were dealing with here is that you were in a  
12 kind of political vacuum. The negotiations had been  
13 completed whereby Britain had abandoned her sovereignty  
14 over the area and Canada, as yet, had no physical  
15 presence in Red River, and so it was in this intervening  
16 period in which the political control was in doubt that  
17 the local citizens then stepped in to create their  
18 provisional government.

19 I would also point out that  
20 three years later, in the valley of the Saskatchewan,  
21 Dumont had what was called a provisional government. IN  
22 other words, it was seen by some of the people in the  
23 west as closer to what we would call almost municipal  
24 control or something like that, than a rejection of --  
25 a formal rejection of Canadian sovereignty and in that  
26 sense, the word "provisional government" possibly has  
27 overtones that are a little different than everyone  
28 meant at the time.

29 Q The -- well, yes, I see  
30 what you mean.



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1 MR. SIGLER: Those are all of  
2 my questions sir.

3 WITNESS YOUNG: Mr. Commissioner?

4 MR. SCOTT: Mr. Hollingworth?

5 MR. COMMISSIONER: Yes, Mr.  
6 Young wanted to add some more.

7 MR. SCOTT: Oh, I'm sorry.

8 A I'd like to ask, maybe  
9 to advise myself and maybe the audience, why is Mr.  
10 Sigler so interested in the municipalities and their  
11 financing with respect to this pipeline? Perhaps he can --

12 MR. SIGLER: Because I'm acting  
13 for the municipalities.

14 A But why? Is there a reason  
15 you know, you act for them, fine. Is there any more  
16 concrete reasons other than that?

17 THE COMMISSIONER: Well Mr.  
18 Young, we have provided funds to the native organizations,  
19 the environmental groups, the Chamber of Commerce of  
20 the Northwest Territories and the municipalities of the  
21 Northwest Territories so they can be represented here by  
22 lawyers and advisors and not just the two pipeline  
23 companies, and that was my idea, and it's to ensure that  
24 everybody who has an interest that ought to be represent-  
25 ed has a chance to bring it up here and I'm quite happy  
26 that Mr. Sigler should discuss the impact on municipalities.  
27 I'm unhappy when he tries to discuss the impact on  
28 everything else because we've got other people here to  
29 discuss the impact on all of these other things.

30 A Thank you Mr. Chairman.

MR. SCOTT: Mr. Hollingworth?





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1 MR. HOLLINGWORTH: I have no  
2 questions.

3 MR. SCOTT: Mr. Steeves?

4 CROSS-EXAMINATION BY MR. STEEVES:

5 Q Yes, Mr. Jones, your  
6 people are from the Upper Skeena Valley?

7 WITNESS JONES: Right.

8 Q Are your people associated  
9 in any way with the cannery at Port Edwards?

10 A Well, a number of our  
11 people -- some are still fishing there today but not  
12 in the numbers there were a few years ago.

13 Q You know the cannery I'm  
14 talking about?

15 A Yes, I'm quite familiar  
16 because I more or less grew up there in the summertime.

17 Q Well, what's your assess-  
18 ment of that cannery? Is it -- has it been or will it  
19 be a success?

20 A The Port Edward cannery?

21 Q Yes.

22 A Well --

23 THE COMMISSIONER: You mean  
24 Port Edward or Port Simpson?

25 A Yes. Port Edward is right  
26 near Prince Rupert.

27 MR. STEEVES: I'm sorry, what  
28 did I say?

29 A Port Edward. It's been a  
success all along.



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1  
2 Q Yes, I'm sorry. I'm  
3 sorry.

4 A Did you mean at Port  
5 Simpson?

6 Q Yes.

7 A Well --

8 Q Am I embarrassing you by  
9 asking you this --

10 A No, no. Not really but --

11 Q -- because -- no wait  
12 a minute I don't --

13 A No.

14 Q You know, I'm acting for  
15 Arctic Gas.

16 A Yes, yes.

17 Q And I don't want to em-  
18 barrass you. If I am, forget it. We'll go on to  
19 something --

20 A No, you're not and put  
21 it this way, I'm one of the original people that bought  
22 a share in Port Simpson. They are selling co-op shares  
23 for ten bucks and I'm quite optimistic of its success.

24 (LAUGHTER)

25 Q You're biased. Is there  
26 any lesson to be learned from that cannery for people  
27 in the Northwest Territories, assuming that what you're  
28 speaking to here -- you're speaking against here, happens  
29 and the pipeline does go in and that was an attempt by  
30 your people to adjust to -- I don't know, commercial  
31 reality, wasn't it?



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1 A Well commercial reality  
2 has been in existence in our area for over a hundred  
3 years, but the Port Simpson concept is a new matter  
4 in which the government is trying to decide to be  
5 involved in trying to lessen the unemployment impact in  
6 the -- for the native people in the area. I am not  
7 all that familiar with Port Simpson because it's a  
8 cannery quite a ways from where I come from but as I  
9 say, being a shareholder, I do get the odd document and  
10 my personal opinion is that there should be a little  
11 more flexibility between the governments involved. There  
12 are two governments involved in the granting of finances  
13 to Port Simpson and recently, I believe it has  
14 lost some money but not enough to fold it.

15 Both senior governments  
16 involved have put in some stringent new regulations  
17 etc. and only time can tell if this will be, you know,  
18 better for the operation of the cannery.  
19  
20  
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1 Q You're talking about  
2 financial controls.

3 A Right.

4 Q Not regulation. Isn't  
5 that whole concept of government participation with  
6 your people in, if you like profit-oriented enterprises  
7 something new and almost revolutionary, you know, to  
8 your people?

9 A Well the --

10 Q Northwest B.C. never  
11 had that opportunity before, have they?

12 A Well, we've never really  
13 experienced the full opportunity of being a participant  
14 in a controlling industry that we're involved in and I  
15 believe that only time again will tell if it's going  
16 to be a success or not. But I'm not saying that the  
17 native people are not going to be, you know, unsuccessful  
18 commercially. The government does -- we have participated  
19 with the government in more ways than one. They do tend  
20 to get over-riding.

21 Q Yes, and you've found  
22 that you've got to push back when they push forward,  
23 isn't that right? Isn't that the experience at that  
24 cannery?

25 A I can't honestly answer  
26 you correctly there as I'm not altogether totally  
27 familiar with that particular cannery, except, you know,  
28 just --

29 Q I don't make too much  
30 of the cannery, but doesn't that go to disprove what





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1 a lot of these gentlemen are saying, is that none of  
2 us ever learned from the past and that history is just  
3 going to repeat itself?

4 A History will repeat itself  
5 if you allow it to, I believe, that's a personal--

6 Q Yes, but your people are  
7 now allowing it to repeat itself, and the governments  
8 of the province and of Canada are helping to avoid that  
9 mistake, are they not, with the cannery?

10 MR. BELL: Mr. Steeves, maybe to  
11 assist you, we will be calling a panel who will be  
12 dealing exclusively with the role of government involve-  
13 ment in native development projects.

14 MR. STEEVES: O.K. I think Mr.  
15 Jones is assisting us here.

16 A Well, the government  
17 participation in the Port Edward Cannery is really,  
18 you know, small fish -- I coined that phrase -- in  
19 relation to the government's participation in multi-  
20 national corporations.

21 Q I told you I'm not trying  
22 to make too much of it, but isn't that cannery a  
23 sign that we're not going to repeat over and over  
24 again our previous mistakes? When I say "our", "us",  
25 I'm talking about your people and my people.

26 A As I just previously  
27 said, the governm ent, both senior governments have  
28 tightened their purse strings more or less and I really  
29 cannot answer your question as a matter, you know, in  
relation to repeating mistakes, because just from my



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1                                   if  
2   experience, anything further goes wrong, you know, the  
3   native people might be apt to be blamed for -- in  
4   relation to the cannery.

5                                   Q     Now, when I'm talking about  
6   mistakes, I'm not talking about mistakes in management  
7   of a little business; I'm talking about mistakes in the  
8   relationship between your people and mine, and the  
9   respect that we owe your people and the way you want  
10   to live. That's the kind of mistakes I'm talking  
11   about, and I put it to you again, isn't that cannery  
12   a sign that we're not going to repeat the mistakes of  
13   the past?

14                                  A     I'd rather say it's an  
15   attempt.

16                                  Q     It's an attempt to avoid  
17   the mistakes of the past by everybody, isn't it?

18                                  A     I don't know if it's an  
19   attempt to avoid the mistakes of the past, but it's an  
20   attempt to alleviate the unemployment situation, in the  
21   area.

22                                  Q     I want you to think about  
23   what I've put to you.

24                                  A     Yes.

25                                  Q     Is it not an attempt by  
26   everyone involved to avoid the mistakes of the past in  
27   the dealings between your people and mine.

28                                  MR. BELL: I think the witness  
29   tried to answer the question, Mr. Steeves.

30                                  THE COMMISSIONER: Well, do you  
31   want to say anything further in connection with Mr.



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1 Steeves' suggestion that it is a new approach? As I  
2 understand it the Governments of Canada and B.C., and  
3 the natives are in partnership, that's all I know about  
4 it. Is that right?

5 A M-hm.

6 MR. STEEVES: I'm sorry, that's  
7 not the whole story.

8 THE COMMISSIONER: Go ahead.

9 MR. STEEVES: I would like the  
10 witness to address himself to my question, if he would.

11 A A real attempt would be  
12 to sit down and negotiate land claims.

13 Q Is that the best answer  
14 you can give?

15 A Well, at the present.

16 Q O.K. Now I want to turn  
17 to another -- and I thank you for that, for your  
18 frankness -- can I turn to another subject?

19 A Sure.

20 MR. BELL: I think Mr. McCullum  
21 wanted to add something.

22 WITNESS McCULLUM: Well, it  
23 pertains to the question.

24 MR. STEEVES: Well, I'm finished  
25 with that question and I'd like to continue asking  
26 Mr. Jones some questions, if I may. I can come over to  
27 you later.

28 Q Mr. Jones, I was very  
29 interested in your discussion about the impact in your





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1 paper when you referred to a matrilineal ideal of the  
2 descent of property; is that correct?

WITNESS JONES:

3 A Property and titles, like  
4 to expand on it a little bit, our people, we have four  
5 basic crests or four basic tribes with crests within  
6 those tribes.

7 Q Yes.

8 A People from one crest  
9 cannot inter-marry.

10 Q M-hm.

11 A So when titles and lands  
12 are handed down, fishing areas are handed down, it's  
13 handed down to the matrilineal side.

14 Q And that's the matri--  
15 I'm sorry, will you say it for me, please?

16 A Matrilineal.

17 THE COMMISSIONER: On your  
18 mother's side.

19 (LAUGHTER)

20 MR. STEEVES: I'm obliged to  
21 you.

22 Q What I'm interested in,  
23 sir, is this. We have heard evidence, much evidence  
24 here lately about the relationship, the feeling of the  
25 people north of 60, the native people towards land, and  
26 as well we've heard about their ideas or attitudes  
27 about ownership, and we've heard it said that in the  
28 northland it's a communal idea, it's a group idea. I  
29 take it your own people have a different system. A  
30 fishing location passes down through your mother's side



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1 --

2 A Right.

3 Q -- within your own family.

4 Is that correct?

5 A Well, it passes down  
6 through your mother's side and quite possibly within  
7 your own family. It could go to your cousin.

8 Q I understand that, but  
9 it's within the family itself. It doesn't belong to  
10 one or for that matter all four of the tribes. It belongs  
11 -- stays within the family.

12 A Well, it is the land of  
13 our people and we, if I may quote words of the chief  
14 in our area,

15 "We are merely the overseers of these lands.

16 The person that takes the title to the lands

17 or a fishing area is merely an overseer to it."

18 Q Yes, I understand about  
19 that, but it's within the family on your mother's side.

20 A Right.

21 Q Now, does that idea go  
22 way back into the history of your people, right back  
23 to the time before the white man came to this country?

24 A Well, I would imagine so  
25 because I haven't heard of any anthropologist contradict-  
26 ing it.

27 Q Do you understand or do  
28 you have any thinking about the difference between those  
29 two ideas, I mean the idea your own people have  
30 about a good fishing place, that it was in a sense pri-



Young, Jones, McCullum,  
Richardson, Page  
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1 vate and in the sense you've talked about ownership  
2 belonging to a family, and what we've heard about  
3 property in the north, that it was a communal thing.  
4 Can you help us, do you know why there's a difference,  
5 or is there a real difference?

6 A Oh, the matter of privacy,  
7 I can only answer it for our people. We're allowed  
8 the use of hunting and fishing, we're allowed for taking  
9 these matters and if a family was in a village, happens  
10 to be set on hard times, then the rest of the village  
11 try to share whatever foods, etc., they have.

12 Q That's a sharing idea  
13 you're talking about.

14 A Right. But the private  
15 concept is kind of different in that sometimes it's --  
16 again I'm speaking for our own people -- it is very  
17 important that you stay within your own hunting area,  
18 etc. But then again, to go hunt in another place where  
19 you're not allowed to, you have to be invited by their  
20 chief or representatives of him.

21 Q Have you ever thought or  
22 why  
23 done any thinking on 'that's so with your people, and why  
24 there is something different about the people north of  
25 60? Have you ever thought about whether there is any  
26 real difference at all?

27 A Well, one of my thoughts  
28 if I may expound on it, Mr. Commissioner, is that un-  
29 fortunately when Columbus came here, discovered America,  
30 etc., he labelled us all Indians and yet in Europe there  
31 is Europeans there, but there's an Italian, there's



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1 British, Frenchmen, whole here in Canada we're the same.  
2 The native people, the common term for us now, are separate  
3 nations and this was never recognized, and just to over-  
4 come a lot of the difficulties that the government when  
5 it formed faced the native people, they just labelled  
6 us all the same, and this is one of the reasons why a  
7 lot of these problems stem today.





Young, Jones, Page  
McCullum, Richardson  
Cross-Exam by Steeves

1 Q Sorry. Were there not  
2 wars between groups on the north coast on --

3 A Well, I'm asking --

4 Q -- long before Columbus  
5 came? Is that -- are you suggesting there were not?

6 A Oh yes, there is much the  
7 similar is happening in Ireland <sup>today</sup> I would imagine.

8 Q Many of those wars were  
9 over property weren't they?

10 A Well, they were over  
11 property and over slaves, etc.

12 THE COMMISSIONER: I think  
13 Mr. Jones was making the point. I thought you were; that  
14 there's a tendency for white people not to comprehend  
15 that the Indian peoples of North American are many  
16 and varied and that we shouldn't expect the people on  
17 the north coast of B.C. to have customs and traditions  
18 identical in all respects to those of the Mackenzie  
19 Valley. That's the point, I take it?

20 A Thank you.

21 MR. STEEVES:

22 Q I'm sorry. Thank you.  
23 I didn't mean to imply that I had that misconception.  
24 I just wondered if you thought about the reasons for  
25 the difference. I'm not suggesting that there are no  
26 differences or that there ought to be.

27 Can I turn now to Mr. McCullum?  
28 Mr. McCullum, can I direct your attention to page 23 of  
29 your paper please? Thank you Mr. Jones.

30 Mr. McCullum, at page 23 on the  
second paragraph, you quote, I take it with approval,



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1 part of a story by David Crane in the "Toronto Star."

2 WITNESS MCCULLUM: Yes.

3 Q It's your belief that  
4 that is the strategy of the government so far as the  
5 pipeline is concerned?

6 A I think it said that  
7 Dosman's findings concluded that government strategy  
8 was to get pipelines built as quickly as possible  
9 before native groups could organize effectively.

10 Q I know what it says. I'm  
11 asking you, do you --

12 A Yes, that's my opinion.

13 Q O.K. What part does  
14 this Inquiry and what part does Mr. Justice Berger play  
15 in that strategy?

16 A To the best of my knowledge,  
17 Mr. Justice Berger plays no part in it.

18 Q Well, this Inquiry was  
19 established by the government, was it not?

20 A Yes.

21 Q What has that got to do  
22 with this overall government strategy which you say  
23 the government is pursuing?

24 A The Inquiry, as I understand  
25 it was set up to examine the impacts of a proposed  
26 Mackenzie Valley pipeline on various aspects of the  
27 Northwest Territories, the Mackenzie Valley.

28 Q Yes.

29 A That does not, I understand  
30 it that the government is, according to the acting Prime



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1 Minister, oh, more than a year ago is not necessarily  
2 bound by all of the recommendations that this Inquiry  
3 might make. I don't think that this INquiry necessarily  
4 contradicts or the establishment of this Inquiry  
5 contradicts what Mr. Dosman's findings were and what David  
6 Crane has written about in the "Toronto Star."

7 Q Oh, I'm sorry. You say  
8 "not necessarily bound by". Are you implying by that  
9 that we're going through some kind of a sham here?

10 A I think that you should  
11 probably address that question to Mr. Buchanan.

12 Q I know.

13 THE COMMISSIONER: Well Mr.  
14 Steeves, excuse me. I don't know where this is getting  
15 us. People come before the Inquiry and include passages  
16 in their evidence along the lines of this passage in  
17 Mr. McCullum's evidence.

18 MR. STEEVES: Yes.

19 THE COMMISSIONER: And in the  
20 community hearings, people accuse the Government of  
21 Canada of bad faith and the Inquiry can't stop each of  
22 these witnesses. Perhaps we could. Perhaps we should  
23 have, but we decided not to. I decided not to, and say  
24 "now look, you're questioning the basis on which the  
25 Inquiry is established and I'm not going to allow you  
26 to do that." I have made it plain that the Inquiry is  
27 bound by the Order-in-Council and the pipeline guidelines  
28 established by the Government of Canada. The Ministers  
29 of the Government of Canada have made it plain on  
30 numerous occasions that, they do not intend to decide





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1 whether a pipeline should be built and an energy  
2 corridor established until they've received the report  
3 of this Inquiry.

4 I accept that. I accept those  
5 statements as having been made in good faith by the  
6 people elected to govern the country and as far as  
7 their being bound by the report of this Inquiry is  
8 concerned, obviously they are not. They cannot be.  
9 They have a mandate from the people of Canada to use  
10 their own judgment in these matters.

11 So, having said that, does  
12 it help for Mr. McCullum on the one hand, to make the  
13 kind of statement he did or for you to challenge him  
14 in the way that you are? If it helps in some fashion  
15 I'll listen, but I --

16 MR. STEEVES: I agree, it does  
17 not help in the slightest for Mr. McCullum to make that  
18 kind of a statement but I don't think it assists you  
19 if I let it go by without taking it up with him. That's  
20 all. But I --

21 THE COMMISSIONER: All right.  
22 Well, you've taken it up with him.

23 MR. STEEVES: Oh, I'm sorry.  
24 That's really a matter between perhaps Mr. Bell and the  
25 Commission rather than -- and I would sooner he and  
26 you fight than you and I.

27 MR. BELL: I'm perfectly happy  
28 to be a spectator.

29 MR. BAYLY: It's more a question of  
30 of argument Mr. Steeves and I suggest at that time I



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1 MR. STEEVES: Well now you're  
2 giving the ruling Mr. Bayly.

3 THE COMMISSIONER: No, it's  
4 a question of relevance and I think that throughout I  
5 followed the path of least resistance. That is, that  
6 people have things they want to get off their chests.  
7 It is something that hundreds of witnesses in the  
8 communities have sought to do. They've perhaps gone  
9 beyond the terms of reference of the Inquiry. We've  
10 allowed them to do so.

11 We allowed Mr. McCullum to do  
12 so, but I want it understood that that kind of suggestion  
13 that the die is cast, that the Inquiry has no meaningful  
14 function is a suggestion that I reject, and having said  
15 that I really don't see the point in pursuing it.

16 A Mr. Commissioner, it was  
17 not my intention to imply that --

18 THE COMMISSIONER: Let's hear  
19 from Mr. Steeves first.

20 MR. STEEVES: Excuse me, let  
21 me make my position clear and then I will move away  
22 from the subject. I, with the greatest respect, agree  
23 completely with your views as to what should be done and  
24 permitted at the community hearings. I say also with  
25 the greatest respect that these sort of people, excluding  
26 these two gentlemen on the left, should be treated so  
27 far as their evidence is concerned, in an entirely  
28 different way.

29 MR. BELL: Well why should  
the two gentlemen on the left be excluded?



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1  
2 MR. STEEVES: I don't agree--  
3 I'm just telling you what my personal view is so you  
4 and I will understand one another. I don't agree that  
5 people like the three gentlemen on the right should be  
6 able to come in here and not accept the responsibility  
7 for their statements.

8 Having said that, I'm going to  
9 pass on to something else.

10 WITNESS McCULLUM: Mr. Commission-  
11 er, may I say something?

12 THE COMMISSIONER: Yes.

13 A It was not my intention  
14 in the paragraph referred to by Mr. Steeves to in any  
15 way cast any disrespect on this Commission. I hold the  
16 Commission and the Commissioner in the highest regard.  
17 I think, I have written to this effect publicly and this  
18 was not in any way intended to be any kind of aspersion  
19 on this Commission.

20 It was intended to call into  
21 question some of the tactics that the Federal Government  
22 has done. It was not in any way nor does it mention the  
23 Commission in there.

24 MR. STEEVES: Well, without  
25 reservation or qualification I want to drop this. May  
26 I drop this subject, sir?

27 THE COMMISSIONER: By all means.  
28 All right, now with your next question?

29 MR. STEEVES: You've stopped me  
30 cold. I've finished. Thank you Mr. Commissioner.

CROSS-EXAMINATION BY MR. SCOTT:



Young, Jones, Page  
McCullum, Richardson  
Cross-Exam by Scott

1 Q Dr. Page, as a B minus  
2 history student, gratuitously undermarked, I'd like  
3 to ask you some questions about the events of 1869 and  
4 1885, not only because you've commented on them but  
5 because Mr. Justice Morrow, in evidence not given by  
6 him but previously referred to, elicited the same  
7 parallel that you did.

8 First of all, you're familiar  
9 with --

10 THE COMMISSIONER: Excuse me,  
11 you mean Mr. Justice Morrow's speech?

12 MR. SCOTT: That's correct, yes.

13 THE COMMISSIONER: In Manitoba  
14 recently?

15 MR. SCOTT: That's correct.  
16 You're familiar with Professor Woodcock's book on  
17 Gabriel Dumont are you?

18 WITNESS PAGE: Yes I am sir.

19 Q In that book, in his  
20 introduction, he contrasts the experience and background  
21 of Riel and Dumont and makes the point that it may have  
22 had some effect on the events that occurred in the '70's  
23 and '80's in western Canada and let me just read one  
24 paragraph and see if you agree with it. He says at page  
25 11"

26 "For Dumont was the natural man par excellence,  
27 adapted perfectly to the life of the wilderness and  
28 in this line, he was profoundly different from  
29 Riel, who was as alienated as any modern Canadian  
30 from that existence. Riel may have been a defender





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1 of the past but like many such defenders, he did  
2 not belong to what he defended; in his case, the  
3 brief but intense traditions of the prairie hunters.  
4 His education had separated him from such a life.  
5 In 1885 on the south Saskatchewan, he was trying  
6 to impose the theories and visions of a man trained  
7 in a classical college and maimed already by a long  
8 contest with the modern state on the life of a  
9 people whose education was in the arts of a pre-  
10 agrarian and prepolitical way of existence."

11 Now, first of all, would you  
12 generally accept that proposition?

13 A Yes, I would. I spoke  
14 earlier this morning in fact, that I believe that Dumont  
15 was a far better representation of what was involved in  
16 1885 than Louis Riel, and it was getting at some of those  
17 points that you raised in that quotation that I was  
18 thinking of.

19 Q Well, let's see if we  
20 can follow it a little further along then. I take it,  
21 leaving aside the provisional government which you've  
22 explained to the Commissioner was not -- is not perceived  
23 by you as a revolutionary act but simply as a management  
24 act to fill a vacuum.

25 A Oh, but let's -- we're  
26 talking about '69-70 here, are we?

27 Q Yes.

28 A -- as opposed to '85.

29 Q Yes.

30 A O.K.



Young, Jones, Page,  
McCullum, Richardson  
Cross-Exam by Scott

1 Q All right, leaving aside  
2 that for the moment, would you agree that it was Riel's  
3 thrust because of his background and experience to attempt  
4 to negotiate a solution for his people within the  
5 traditional -- I don't know what to call it -- the  
6 traditional eastern Canadian political framework?  
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Young, Jones, Page  
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A Riel certainly I think believed that the only way in which meaningful negotiations could take place with the Canadian authority was if in fact he demonstrated his own power in the west, and that was his means of doing it, and all the way along -- and this comes out in a number of the documents -- he has emphasized that he is not rejecting Indian sovereignty but he was really wishing to re-negotiate their conditions under Confederation in '69-70, of course, to really create those conditions and in '85 to get the necessary and agreements whereby the land the other issues could be settled.

Q But his perceived function whatever his technique , was really to negotiate a settlement and/or provincehood in Eastern Canadian terms, if I can put it that way, he might be perceived to be the George Etienne Cartier of Manitoba.

A Yes, and I think there is real reason to support that, and try to understand that this is in a context in the 1870s and 1880s for instance in which Nova Scotia had successfully made a couple of challenges. For instance, Joseph Howe, the great leader against Confederation in the 1860s ends up in Macdonald's Cabinet, and uses it as a kind of bargaining lever for better terms. In the mid-1880s W.S. Fielding, who later ends up in Laurier's Cabinet is involved in a so-called successionist movement in Nova Scotia again, once again as a bargaining lever, and that -- so that what we're dealing with here in terms of this background is not something that is strictly exclusive to a Metis





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Cross-Exam by Scott

1 or Indian point of view, but was something that could  
2 see that Confederation was a new creation at this time  
3 and a kind of bargaining relationship was seen as part  
4 of the Canadian process.

5 Q But by contrast, in the  
6 development of St. Laurent in Saskatchewan --

7 A M-hm.

8 Q -- would it be fair to  
9 say that Dumont represented a new tendency or an exten-  
10 sion of an old one, and that is to attempt to develop  
11 a political and social system founded not on Eastern  
12 Canadian models, but in substantial part on the traditions  
13 of his people?

14 A Yes, I think that is true  
15 and I think it is an extension, and in the paper I got  
16 into the traditions of the buffalo hunt, for instance  
17 in terms of the social and political institutions and  
18 the economic livelihood that was involved, and Dumont  
19 in terms of his period then as the sort of captain of  
20 the buffalo hunt, develops this as well as being  
21 president of the Provisional Government in '73 for  
22 instance in Saskatchewan. I think this is really quite  
23 instructive because they're going back to and developing  
24 further existing traditions, whether you want to call them  
25 local government or what you want -- I mean there are  
26 a wide variety of terms that one could use here, but  
27 I think what's happening is that you have in the  
28 Valley of the Saskatchewan in the 1870s the development  
29 of a society which was stable, which has elected forms  
30 of government, which is determined to keep a kind of



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1 autonomy from Ottawa, which they see as both alien to  
2 a certain degree, and also very far away, and as well  
3 they were developing with the hunt and with the economic  
4 wherewithall along with the freighting services and other  
5 things for a society to really evolve and develop. What  
6 I see is tragic is that kind of evolution which was  
7 already to quite an advanced stage by the late 1870s  
8 then, is really cut off and to a certain extent shattered  
9 by the events of the railway and the rebellion. Does  
10 that help at all?

11 Q Well, would it be correct  
12 to say then that the negotiations and solutions pro-  
13 posed in 1869-1870 were within the framework of tradi-  
14 tional Eastern Canadian response to problems, whereas the  
15 solutions and developments that were occurring in the  
16 South Saskatchewan were a different process, a process  
17 in which a new kind of political system was in the course  
18 of being developed that was connected fundamentally  
19 with the traditions of the native people.

20 A With the Metis, yes.

21 Q Yes, and really I presume  
22 it to be the case that the reason Riel appeared in 1885  
23 was not because he was per se the leader of that  
24 movement, but because he was invited by Dumond, the  
25 leader of that movement, for a number of reasons:  
26 (1) He was a well-known hero, and  
27 (2) Because Dumont was illiterate and didn't feel he  
28 could deal effectively with eastern oligarchies.

29 A In the fighting Dumond is  
the effective leader; that is true.



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Q Well now, in that context it's useful to look at the demands that were made in 1869, and I've referred you to Joseph Howard's book, "Louis Riel and the Metis People," and I take it you're familiar with that.

A Yes, I am, sir.

Q And these demands, I take it, were made in what was called a Bill of Rights.

A That is correct, sir.

Q There's no reference in this text to the educational background of its draftsman, but let me simply read the items of the Bill:

"The right to elect a Legislature which could over-ride a veto by the executive.

The right to approve or reject through the territories representative any Dominion legislation which directly affected the territory.

The right to elect sheriffs, magistrates and other local officials.

A free homestead law.

Land grants for schools, roads and public buildings.

A guaranteed railroad connection with the nearest existing line.

Payment of the territories governmental expenses for the first four years from the Dominion Treasury.

Recruitment of any military force to be stationed in the territory from among people already living there.





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1       Treaties with the Indians to preserve peace.

2       Use of the French," and the French would be the

3       Metis language I take it, would it, or one of the

4       Metis languages

5       "Use of the French and English languages in the

6       Legislature, in all public documents, and by judges

7       of the Superior Court;

8       Respect for all privileges, usages and customs

9       which have existed before the transfer of

10      sovereignty;

11      And full and fair representation in the Parliament

12      of the Dominion of Canada."

13      Now I take it that that was the Bill of Rights that was  
14      presented to Ottawa, more or less, at that time.

15                   A       Yes, if I can just take  
16      a moment, Mr. Commissioner, on this.   That particular  
17      passage is not a direct quotation from the document.  
18      Now, Mr. Commissioner, with your permission I would  
19      like to file a copy for you of that complete document  
20      because it does in the expansion of the wording from  
21      what is quoted there, it does give it a little further  
22      meaning in two or three of the points.   But substan-  
23      tially yes, that is correct.

24                   Q       And I take it that those  
25      were the proposals that were the basis of the negotiations  
26      which led to the creation of Manitoba.

27                   A       that's correct, sir.  
28      There's one major addition which I would like to comment  
29      on because I think it may have some relevance.   When the  
30      delegates got to Ottawa, in addition to the more general





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1 questions of customs which are discussed there, the  
2 schools provisions were brought in. In other words,  
3 there were certainly very considerable concerns that the  
4 cultural evolution of the Red River would in fact  
5 reflect the French language and cultural traditions  
6 of the Metis people. It really just strengthens what  
7 you're getting at, sir.

8 Q Now, when it came to the  
9 1880s, I take it Dumont and his people having developed  
10 a community and a political organism, also presented  
11 in effect a Bill of Rights, or a list of negotiable  
12 items.

13 A That is correct, sir.

14 Q Yes, and I take it that  
15 their requests reflected their concern to maintain  
16 institutions which had been developed by them in response  
17 to their own problems and out of their traditions.

18 A Yes.

19 Q Yes, and we know -- you've  
20 told us yesterday the results or not the results but  
21 what happened with respect to that Bill and what flowed  
22 from it. Well now, we've had evidence at previous  
23 stages of the Inquiry about the meaning that has been  
24 given to the word "nation" by white settlers, by French  
25 speaking Canadians and by various native and Metis  
26 groups, and just to complete this I'd like to read you  
27 a passage from Professor Woodcock's book at page  
28 19 in which he deals with the way that word was  
29 utilized by Dumont and Riel in the '70s and '80s, and  
30 he's really speaking of a period from 1860, I think, up



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1 until 1885, and he says this:

2 "If the Metis called themselves during that  
3 70 years when they still formed a power in  
4 the prairies a distinctive nation, they did  
5 not base the claim on population or on formal  
6 political arrangements, they made it because  
7 they felt themselves a distinct people who had  
8 a role to play in the world, and who took a  
9 pride in that role, considering no life better  
10 than that of the adept hunter and guide, and  
11 when the necessity arose, prairie warrior.  
12 In the 19th century when political entities  
13 were seen in terms of military viability,  
14 the notion that such a people could constitute  
15 a nation doubtless seemed absurd."

16 And then Professor Woodcock goes on to make an editorial  
17 comment:

18 "Today in the late 20th century, age of  
19 nuclear truce when indefensible islands  
20 populated by a few thousand people can and  
21 do receive international recognition as  
22 members of the United Nations, the claims of  
23 the Metis would have gained much wider accept-  
24 ance and in the vastness of the west a Metis  
25 nation with the territory of its own would not  
26 have seemed impossible."

27 Now leaving aside the editorial comments about the  
28 admission requirements of the United Nations, is it  
29 historically sound that that is the claim to nationhood  
30 that was asserted by the Metis and the natives insofar



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1 as they participated in the process in the middle of the  
2 19th century?

3  
4 A I've certainly come across  
5 a number of evidences regarding native people or Metis  
6 people where this term "nation" is used, and I would  
7 go back to the mid-19th century in Ontario to the way  
8 in which white historians used the romantic story of  
9 the migration of the six-nations Indians to Ontario,  
10 which was one of the important ingredients in founding  
11 the English fact in Canada, and in some of the liter-  
12 ature of that period then this term "nation" then being  
13 used there is one which is certainly current.

14 Q Well now, Mr. Richardson,  
15 I'd like to ask you a question or two about the James  
16 Bay Case. You made it clear in your paper yesterday that  
17 the argument of the corporation that was advanced, I  
18 presume, first in the Court was that the project or  
19 projects that were under the umbrella of the James  
20 Bay Development Corporation would be -- I think you said --  
21 the main cohesive tool available to the Cree nation and  
22 culture. Now I wonder if you could expand on that and  
23 tell us without being either critical or laudatory of  
24 their views, what the thrust of that argument was?

25 WITNESS RICHARDSON: There was a  
26 difference of opinion between anthropologists on the two  
27 sides, which really summarized the difference of opinion  
28 between the two cultures, I think. I have a summary of  
29 it in my book which I don't want to read but I could  
30 kind of run through it.

Paul Bertrand the anthropologist





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1 for the James Bay Development Corporation, said that  
2 the Cree culture was heading towards a blockage, in his  
3 opinion, because as I said yesterday, to occupy the  
4 different posts in government the structures already  
5 in place in their villages would take them 20 or 30  
6 years and I do not think that the Cree culture is  
7 capable of accelerating the process.

8 The impacts they have received  
9 to date have not produced what a bigger impact would  
10 have produced. I think he had in mind impact by  
11 stealth, I think, over a long period, a series of  
12 small impacts not large enough to stimulate a creative  
13 response by the Cree culture in general.

14 He said a sort of collective  
15 renewal, a sensation of becoming a wish to do something  
16 to improve. What produces this interior disintegration  
17 and prevents collective action, I believe, is a slow  
18 invasion and not something brusque. A slow invasion  
19 doesn't give enough strength and an immense shock can  
20 help a culture to regroup itself in a really develop-  
21 mental way in the sense in which they can think of  
22 supporting their actions with a concordant psychology.

23 So I think basically his  
24 idea was that the Cree culture was already undermined,  
25 and more or less of a remnant, and that the only way  
26 in which this remnant could be gathered together and  
27 revived would be through getting a tremendous shock  
28 in the form of the James Bay project.

29 It really was a serious  
intellectual argument and I think actually the only



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serious intellectual argument, that they produced in Court. If I may just run through the refutation which was put in by Harvey Feit , an anthropologist who had worked for many years in the Waswanipi area among the Cree and in particular studying their hunting and food habits. He challenged Bertrand's idea that the Cree culture had withered away and that little of value remained, and also the accompanying idea that only an enforced transformation could salvage anything valuable from it. He believed that in fact not only had it proved extremely tenacious but that it had very skilfully adapted to the challenges that it had met over the last 100 years. In fact he said that the Cree were one of the few groups in North America who had succeeded in absorbing just exactly as much of the invading culture as they needed, and rejecting the rest of it. Now that may have been through an accident of history or for whatever reason, but he felt that that had happened and he said that they had modified their behaviour and accepted changes of their own free will and had maintained the coherence and integrity of their beliefs and understanding, and he gives the example that you can possibly for instance give up using the bow and arrow and start using the gun, adapt that to your way of life, and do so without actually changing fundamentally your world view. He felt that they had done that.

He gave another example which I found very interesting because a few years before I'd looked into this subject myself and had a kind of standard



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1  
2 view that the Cree people had been turned -- there was  
3 another anthropologist actually Ignatius La Rusie  
4 who wrote a paper called,

5 "From Hunter to Proletariat,"

6 and he had examined the wage history of the Cree people  
7 in the '50s as they moved into the wage economy and  
8 had found that they had been in effect pulled away from  
9 the land and had become a pool of cheap labor for the  
10 use of the white industries in the southern part of the  
11 Cree grounds.

12 Now, Feit's view was somewhat  
13 different from that and I think actually probably La  
14 Rusie changed his mind about the real meaning of what  
15 happened to the Cree people at that time. Feit said  
16 that the Cree had found a way to integrate summer wage  
17 employment into their lifestyle rather skilfully by  
18 taking jobs that allowed them to work in their family  
19 groups, that kept them in the bush and enabled them to  
20 get country food for which has a great spiritual meaning  
21 for them , and allowed them also to use the Cree language.  
22 He said this was not a disintegration but an effort to  
23 integrate and synthesize new ways of doing things. He  
24 said that Bertrand had produced an important insight,  
25 namely that change does not have to be slow; but more  
26 important than the speed of change / <sup>he</sup> felt was the question  
27 of whether people were themselves in control of the  
28 changes and wished them to happen. I think this is  
29 pretty fundamental stuff actually in the context of the  
Northwest Territories.





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Also, Bertrand's idea that the increasing population of the Cree would lead to the process and the culture, Feit said the Cree had responded in another interesting way, in that he believed that as a result of his studies that they were already using a much more diverse range of animal resources than had been traditionally used. They were using for instance very many more small game -- birds and rabbits and porcupine and things like that, and he believed on the basis of his analysis of the hunting results that in fact there was a potential for a significant number of new people to enter the subsistence hunting life in the future. The integration of part-time wage employment, which in fact is the pattern now, that people hunt in the winter and work in part-time employment in the summer, and this is now being used actually to help maintain the vitality of the subsistence life, and is actually making it easier to maintain that life rather than undermining it, as La Rusie suggested a few years earlier had happened.

He finished up by saying that he could find no grounds to agree that there would be a crisis in the Cree culture within seven years. My figures show that the potentiality for continued use of the resources by a growing population over at least the next decade or two, I think that's a very interesting set of attitudes towards what is such a complex question and to which I think white people take a kind of an automatic view, which I've done myself at an earlier





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1  
2 stage, until I began to realize what was at stake for  
3 the people and I would like to finish with Harvey Feit's  
4 quotes. He said that:

5 "The Cree people were watching very carefully  
6 to see if a white institutional structure would  
7 in any way support them and protect their interests,"  
8 and he felt they were going to suffer a severe blow that  
9 could break the core of the culture if they found that  
10 there was no such support available to them. He said,

11 "For me, each human group that is able to meet  
12 the problems of living come up with a unique  
13 way of life as a very precious thing for the  
14 whole of mankind, its destruction is tragic and  
15 sad and I can say no more."

16 Well, recognizing the intellectual respectability of  
17 Mr. Bertrand's analysis, I think really that's why this  
18 Inquiry is being held.

19 Q Well, Mr. Richardson, I  
20 take it that at the time of the settlement or immediately  
21 before the settlement there were in existence Band  
22 Councils of the Cree that were operating at a sufficiently  
23 sophisticated level to meet the needs of the communities  
24 existing at that time. Is that correct?

25 A It is.

26 Q And --

27 A Well, when you say --  
28 you know, they perhaps were not operating entirely  
29 satisfactorily.

30 Q -- were Band Councils in



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1 existence?

2 A Yes.

3 Q And I take it the Band  
4 Councils were at least within recent memory the tradi-  
5 tional mode of administration or government of the Cree  
6 in that area.

7 A Yes.

8 Q Well now, I notice that  
9 in the settlement you outlined yesterday it was a  
10 requirement that the Category 1-B lands were to be owned  
11 and managed by a public corporation rather than by  
12 any existing organisms. First of all, could I ask you  
13 this? How were the public corporations to be structured?

14 A Well, I perhaps didn't  
15 make that clear yesterday. The public corporations would  
16 be absolutely co-terminus, if that's the word, with  
17 the Band Council, so the Band Councils would be formed  
18 into the public corporations for the purpose of managing  
19 Category 1-B lands.

20 Now to me it's not altogether  
21 clear from the settlement just why that was done, except  
22 for the reluctance of the <sup>Quebec</sup> government to allow the Indians  
23 to choose the land on the northern banks of the rivers  
24 on which their coastal settlements were built, as reserve  
25 land. In other words, they weren't prepared to have  
26 the Indians encircle the mouths of the James Bay Rivers  
27 with reserves which could not be developed.  
28  
29  
30



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Q No, was the selection of  
lands to be made by the corporation?

A The selection of lands  
has already been made, I think, during the course --  
by the band councils.

Q Then those lands were to  
be owned and managed by the corporations which were  
co-terminus with the bands?

A Yes.

Q Well, was any rationaliza-  
tion ever advanced for that -- the introduction of that  
new mechanism?

A Frankly, I can't under-  
stand it myself and I don't really know enough about  
the details of the negotiating positions and so on on  
both sides to be able to tell you how that arose. But  
just from reading the -- I didn't know anything about  
this particular category until I read the agreement.  
There was something totally new to me and there was no  
rational explanation for it in the agreement.

Q Well, I take it those  
corporations are either in place or getting in place?

A Yes.

Q Yes. Have you any views  
as to what effect, if any, this may have on the  
development of the traditional Cree political organisms,  
the Band Council?

A Well, this isn't altogether  
a new idea. I think there was a pilot project put into  
place at Caughuawaugha opposite, the Indian reserve





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1 opposite Montreal in which of course there is tremendous  
2 potential for a development of the industrial parks  
3 and possibly casinos or whatever people want to  
4 develop on the very valuable Indian land just at the  
5 other end of the Victoria bridge in Montreal. I think  
6 one of the really alarming things about that is that  
7 a corporation can be sued and it can go broke and so on,  
8 and **the only collateral** it has is the land and presumably  
9 the land, at that point, might come up for grabs which  
10 could not happen to land which was held in the  
11 traditional style under the Indian Acts or --

12  
13 THE COMMISSIONER: Under  
14 Federal protection?

15 A Under Federal protection.

16 MR. SCOTT: Well, it may be  
17 too early to judge, but we've had some evidence about  
18 the decision making process that occurs in band councils  
19 at least in the Northwest Territories and perhaps  
20 elsewhere. The lawyers, at least, are familiar with a  
21 different decision making process that exists in corpora-  
22 ted entities and what I'm concerned to know is is it  
23 possible to judge is it now too early to judge whether  
24 there will be meshing of these two decision making  
25 processes in a case where the corporation is co-terminus  
26 with the band, or do we know?

27 A Well, I think the Quebec  
28 Government has more rights in the Category 1-B land so  
29 that even if the band and the corporation meshed entirely  
30 in their decision making process, the government still



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1 is able to create developments in that 1-B land. I  
2 think the restriction on those developments is that  
3 they shouldn't employ more than ten people but, you know,  
4 there's only twelve people working making all the  
5 electric light-bulbs for North America. So, I don't  
6 exactly know what that means.

7  
8 You know, you could build some  
9 enormous thing and just leave a very tiny work force  
10 to run it. It's, I think, the rationale for it obviously  
11 comes from the reluctance of the Quebec Government to  
12 hand over control of the mouths of the rivers. They  
13 want to maintain them, so they might want to build a  
14 wharf or something or use it for transportation.

15 So, I think that seems to be  
16 the key factor and rather than the question of, you  
17 know, how the two groups will operate.

18 Q Yes, but how does the  
19 insertion of a corporation as opposed to the insertion  
20 of the Band Council affect that objective?

21 A Well, I'm afraid I don't  
22 know that, Mr. Scott. As you know, the Alaska thing  
23 has -- the Alaska settlement has resulted in the setting  
24 up of 200 or something corporations so perhaps you  
25 might be able to get more information of how they work  
26 for us next week. But in this particular -- I'm afraid  
27 I don't really know too much about that.

28 Q Well, just pursue it  
29 again to make sure I have all you can tell me about.  
30 Assuming for a moment that there should be a natural  
reluctance to replace existing political mechanisms



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1 that work reasonably effectively and are traditional  
2 with new, untried and, in this context, foreign  
3 mechanisms, have you any understanding as to what  
4 practical reasons led to this proposal ultimately  
5 accepted, on the part of the Quebec Government?  
6

7 A Well, the Quebec Government  
8 have imposed an enormous number of foreign bodies in  
9 this agreement which is obviously written by lawyers  
10 and not by Indian people, otherwise ---

11 Q I would take it that's  
12 not a compliment to us, Mr. Richardson?

13 A Well, I do think that,  
14 you know, there is going to be great difficulty in  
15 implementing this agreement and that it's so complicated and  
16 that only lawyers understand it. So, that the corpora-  
17 tion involved are just one of a whole range of  
18 commissions and boards and councils and panels,  
19 which have now been imposed on the traditional Cree  
20 superstructure that really probably could have been  
21 handled, you know, just by the band councils.

22 This superstructure really  
23 represents the biggest imposition of an alien structure  
24 of the whole -- well I suppose one could say it's a  
25 sort of political manifestation of the James Bay  
26 project itself because that is an imposition of a physical  
27 nature on the area.

28 WITNESS McCULLUM: Mr. Scott,  
29 could I amplify a little bit about the process that  
30 went on in developing those corporations? The -- in





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1 talking with some of the negotiators towards the end  
2  
3 of the discussions leading up to the final agreement,  
4  
5 it became clear to a number of them that the Government  
6 of Quebec was concerned that structures like the Band  
7 Councils were -- had really emanated from the Federal  
8 Government and that the Quebec was very concerned that  
9 the new municipal structures or settlement structures  
10 fit into their Department of Municipal Affairs more  
11 readily than they would fit -- it was a question of  
12 trying to get them into the provincial control rather  
13 than to use structures which had originally been  
14 designed by the Federal Government.

15 I don't know whether that  
16 helps you or not but --

17 WITNESS RICHARDSON: I think  
18 that that really refers to the new municipal councils  
19 which will be set up to replace the Band Council so  
20 that, you know, you have municipal councils which will  
21 be co-terminus with the corporations. So, it really  
22 is an imposition -- imposed solution.

23 Q I take that what Mr.  
24 McCullum at least is telling us is that it -- that if  
25 one looks for rationalization for it, it may perhaps  
26 be found in some kind of jurisdictional fight between  
27 Quebec City and Ottawa as to which level of government  
28 will control -- I use control in the loose sense --  
29 the operations.

30 A Well, there has this  
31 fight has gone on for a long time in Nouveau Quebec.  
32 I think everybody here would agree that Quebec has a





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perfect right to occupy its own northern territories. Certainly no other province would be prepared not to exercise control over its own territory. But, the problem was historical in Nouveau Quebec in that it had been left to the jurisdiction of the Federal Government by the disinterest of the Quebec Government in it. In fact, it was Duplessis who went to the Supreme Court in 1939 and asked for a declaration that Eskimos were Indians within the meaning of the Indian Act to justify their being looked after by the Federal Government in northern Quebec.

It really was only with the so-called Quiet Revolution when Rene Levesque was made Minister of Nouveau Quebec or in charge of that department that he went up among the Eskimos and said "O.K. We all know you've been treated like cattle, so let's get rid of the Federal Government and we'll take over." Then an agreement was made in 1964 which was not implemented until 1969. It lay dormant and in 1969, a team of federal and provincial negotiators went around the villages of, the Eskimo villages, because most of this applies to Eskimo rather than Cree villages, Fort George really being the only Indian village in Nouveau Quebec.

They started to outline this agreement and said, "Well, this is the decision we've made. We've come up to consult you in the usual style and we're telling you what's going to happen." Well, that was really the beginning of Eskimo awareness of a land issue.



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There is story about at <sup>one</sup> hearing  
an Eskimo putting a rope across the map and putting his  
hand up in the <sup>top</sup> part of it and saying, "This land is  
ours and so you'd better go home", and as a result of  
that opposition, the Federal Government withdrew from  
that decision and <sup>at</sup> that point, there became a tremendous  
tension actually between the Federal and Provincial  
Governments and quite a ludicrous situation arose in  
these village of Nouveau Quebec because you found  
provincial schools and federal schools side by side.

I think one should add, I  
don't like particularly the idea that people blame  
Quebec especially for anything that may be happening  
there. I think that one should add for example there  
was a very strange cultural situation. The Quebec  
Government schools offered teaching in the Eskimo  
language from the third year or for the first three  
years, whereas the Federal Government school didn't, and  
yet the Eskimos stayed away in droves from both schools.

THE COMMISSIONER: From the  
Quebec schools?

A From the Quebec schools.  
The reason -- well, they tended to stay away -- it  
depended really on the influence of the priest because  
you had the Anglican and Catholic structures. You had  
the Hudson's Bay Company which is the federal structure  
and an English speaking company and the federal structure,  
and on the other side, you had the French speaking  
Quebec Government and the Eskimo people just really didn't



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1 trust that slightly foreign French speaking Catholic  
2 Quebec structure. So, they brought that movement to  
3 a halt effectively and it's really only now with this  
4 agreement between the Quebec and Canadian Governments  
5 and the native people that that has been resolved  
6 entirely in the interests of Quebec.  
7

8 However, I do want to repeat  
9 that there's really nothing unreasonable about Quebec's  
10 desire to occupy their own northland.  
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1 Q Is -- since the  
2 agreement, is education still being offered in the  
3 native languages?

4 A I think that one of the  
5 most positive elements of the agreement is the  
6 provisions for a Cree School Board which will be in the  
7 control, effective control of the Cree people and I  
8 think personally that that hopefully, that will work  
9 reasonably well and it should be a great improvement  
10 in the education. Some of the more innovative things  
11 that have been tried in the Northwest Territories  
12 hopefully might be tried in Quebec such as staggering  
13 the school year to enable children to go into the  
14 bush and learn the Indian ways and at the same time  
15 get an education.

16 I think that -- I hope  
17 that will happen. Maybe Mr. McCullum has got some  
18 views on that because he has been there more recently  
19 than I have.

20 Q Is it possible to tell  
21 at this stage whether the control of curriculum will be  
22 in the hands of the Cree Board of Education?

23 A My impression is that it  
24 will be, yes.

25 WITNESS McCULLUM: There is  
26 also an Inuit school district being set up and  
27 ultimately it will be in the hands of, the curriculum and  
28 everything else will be in the hands of the school board,  
29 subject always to approval by the Provincial Department  
30 of Education.



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1  
2 Q Well now, Mr. Richardson,  
3 in your book you outlined the negotiations as they took  
4 place and then I was interested to see at page 306 that  
5 you at one point, it appears from the narrative that  
6 it was at the critical stage shortly after the Federal  
7 Government indicated -- or one of its representatives  
8 indicated that funds might be terminated if the Cree  
9 people and the Inuit weren't reasonable as he used the  
10 word and at that point, you made a suggestion to the  
11 Quebec government that as a part of the package, the  
12 Cree and the Inuit should be offered ownership of all  
13 wild animals in an area in northern Quebec.

14 First of all, what was  
15 the theory on which that proposal was made by you?

16 WITNESS RICHARDSON: Well, my  
17 view of the situation in James Bay was that if the  
18 Indians were lucky, they might be able to get for them-  
19 selves a breathing space of perhaps 15 years in which  
20 they could ensure control over the resource on which  
21 their traditional life depends, namely the wild animals.  
22 You see, the hunters are not just old people. There  
23 is a generation of hunters in Quebec who are over 30  
24 who speak only Cree. Many haven't been to traditional  
25 schools. They are living a subsistence life and they  
26 are a most expert people and they have obviously the  
27 potential to live for another 30 years in that way of  
28 life.

29 So the question of  
30 what happens to that generation, now, there is also



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1  
2 another generation which has come to -- gone to school  
3 and has gone back to live the life of their fathers, so  
4 they are coming along as well although they are more  
5 into the part time work in the summer and stuff like  
6 that.

7 I felt that given that  
8 the project was being built and that the government was  
9 obviously clearly determined to occupy James Bay very  
10 fully, it was going to be a pretty desperate struggle  
11 for the subsistence life to coexist with the massive  
12 invasion.

13 Now, how were they going  
14 to get control of the animal resource. It had been  
15 shown in the southern part of the territory that these  
16 animals had to a very large degree been handed over to  
17 white hunters -- I think Harvey Feit's figures in  
18 Waswanipi, for instance, showed that something very,  
19 very quickly about 30% of the moose were being taken  
20 by white hunters which previously had been available  
21 for the subsistence life and that this was increasing  
22 enormously and very, very quickly because whereas  
23 originally they hunted along the road, now they were  
24 going in little planes and landing on lakes and  
25 penetrating deep into the hunting territories.

26 So obviously, then the  
27 other thing was that the lakes get fished out very,  
28 very quickly. The huge fish in these lakes as everybody  
29 here I'm sure knows, take 15 years to grow and they  
30 can be fished out in a -- I mean, a couple of years if



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1 a lot of white people arrive and just fish, whereas the  
2 method of subsistence fishing that the Cree have used  
3 traditionally has enabled the population to be  
4 stabilized.  
5

6 So, you know, that was the  
7 question I asked myself and I have been thinking about  
8 it for two or three years and -- I can't remember how  
9 I first started thinking about it but it had occurred  
10 to me that if the -- I think there was a precedent of  
11 the Northwest Territories which struck me as being  
12 very useful which was the quota system for polar bears.  
13 You'll pardon me if I'm wrong about any of this, but  
14 I understood that the villages in the north had a quota  
15 of 6 or 8 polar bears and they could decide which of  
16 those polar bears they needed for their own use and  
17 which they could hand over to sports hunting. And so  
18 they would whistle up an American hunter and charge him  
19 \$2,500 and then they had \$2,500 that was very useful  
20 for the village. That seemed to me in principle to be  
21 an excellent idea because the decision rested on them.  
22 If they decide to sell all of the crop to sports hunters,  
23 then they get the benefits from it.

24 I could see no justice  
25 in a situation in which foreigners come into the  
26 territory and are allowed to take the resource on which  
27 these people have depended for so very many hundreds of  
28 thousands of years. So I suggested that the ownership  
29 of the wild animals be granted in all of northern  
30 Quebec to the native people and that all of the





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implications of that be followed through.

Now, the implication would be that sports hunting would be under the control of the native people and that they would be able to sell such part of the animal resource as they themselves decided that they didn't need for subsistence hunting. They would get an income from that and it would give them complete control over the resource in which their life depended.

It still seems to me not a bad idea.

Q Well, your efforts to negotiate in that regard were unsuccessful?

A Well, they weren't entirely unsuccessful. They were, I suppose, 80% unsuccessful. The native people had been given control -- what's the word -- anyway, they have exclusive right to take many of the animals in northern Quebec except for certain derogations in certain areas that I mentioned yesterday. I think, however they haven't been given the ownership of them in the sense that they are able to decide to sell those that they decide are available to sports hunting.

I think the key thing here is that only an idiot would say and I have certainly never said, not being an idiot, that there is a culture which you know must be preserved at all costs. That would be ridiculous. The point, I agree with entirely with Harvey Feit, the thing I just read out but the



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1 question is do they have any control; do they have  
2 any choice / <sup>over</sup> the pace and direction of change and the  
3 Cree people in James Bay never argued that they shouldn't  
4 change. They just want to not be forced to change in  
5 the way that other people decide.  
6

7 I thought that this  
8 proposal would enable them if they decide now that they  
9 need 80% of the wild animal resource for subsistence  
10 hunting then they would have it. If they decide as  
11 times change that they only need 20% then they would  
12 have that and they would sell the rest and get income  
13 from it. And if in their wisdom in reacting to the  
14 changes that inevitably occur and are forced on  
15 everybody in the world, they decide that in the end  
16 they will get right out of subsistence hunting and  
17 perhaps run the tourist business up there, they would  
18 be in an excellent position to do so because they would  
19 own the resource. They would put it to that use.

20 Q Turning back again to the  
21 committees and corporations that you referred to  
22 yesterday which are a feature of the scheme. One of them  
23 that you referred on page 14 is called Sotrac which  
24 I understand was funded with capital investments of  
25 \$30 million and is designed to use the quotation  
26 that you set out to alleviate negative impacts on  
27 hunting, fishing, and trapping at the La Grande complex.

28 First of all, how is  
29 that corporation structured? What I am asking here is  
30 to what extent is there native or white governmental  
participation in it -- decisive participation?



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1  
2 A Well, I'm sorry I don't  
3 have that information with me but I'm almost certain  
4 that is structured in a very similar, similarly to most  
5 of the other committees in that it is sort of 50-50  
6 arrangement between the native representation and the  
7 governmental representation.

8 Q How is the native  
9 representation chosen? Do you know that? Is it chosen  
10 by band councils or is it chosen by some other formulation?

11 A Here again, I'm sorry  
12 I don't have the details because the details of this  
13 go on for 40 pages or something but in some of these  
14 cases, they are chosen -- it's left very vague that they  
15 will be chosen by the native party, the native party  
16 being defined as the Cree Council -- the Cree Grand  
17 Council. In some of them, representation is provided  
18 for directly from band councils and from the Northern  
19 Inuit -- the Quebec Inuit Association and from villages  
20 and so on. In this particular case, I'm not sure that  
21 there is in any case an agreement of native representa-  
22 tion which has been accepted by the native people.

23 Q Well now, is that  
24 corporation in place? Well, let me ask the question  
25 that follows.

26 A I don't think so.

27 Q Do you know anything  
28 yet about what that corporation is doing and the  
29 measure of its effectiveness?

30 A No, I don't think it's





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1 doing anything yet that I know of. It's designed to  
2 take, I think long term, take account of the disruption  
3 of the trapping life and I think also many disruptions  
4 which are likely to occur to the village of Fort  
5 George. For example, in the original scheme -- I  
6 don't know whether Sotrac is actually the organization  
7 that is to take care of the water supply of Fort  
8 George but in the original scheme they were going to  
9 block off the La Grande River entirely and La Grande  
10 River happens to be where the people of Fort George  
11 get their water from. And they haven't kind of  
12 considered what they would do about that.

13  
14 In the agreement, that  
15 is taken care of, they have agreed to set up a water  
16 supply for Fort George. There is also a likely severe  
17 erosion problem at Fort George and I think Sotrac  
18 could perform those kinds of work but those will be,  
19 you know, as the dams are built and the thing gets  
20 under way.  
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1 Q Well, let me turn to one  
2 thing that you didn't really deal with in your paper.  
3 In your paper you deal with the ability of the people  
4 to coalesce in the face of this project, and you've  
5 set out in some measure of detail the first meeting and  
6 the subsequent meetings that occurred. In the negotia-  
7 tions stage, when the negotiations began and in the  
8 one year or 1½-year period of negotiations, what  
9 observations have you about the effect of this process  
10 on the Cree and Inuit communities? I'm merely asking  
11 you to deal particularly in terms of their own political  
12 and governmental institutions.

13 A I think the effect on  
14 their spirit was in a sense positive in that they almost,  
15 as Paul Bertrand suggested, the shock of the decision  
16 to impose the project on them did arouse them, and I  
17 think when you speak about their institutions, I don't  
18 know that it had any effect. Their only institution  
19 was the Band Council. Now it did have the effect of  
20 getting the entire political structure of the James  
21 Bay Cree together. They didn't have any such structure  
22 before, and there is a long and very complicated history  
23 which has to do with the Quebec Indian Association as  
24 representative of the James Bay Cree in the Court case,  
25 and the certain difficulties which occurred as a result  
26 of the fact that the interests of the two sides were  
27 slightly different.

28 Finally the James Bay Cree  
29 set up an organization called the Grand Council of  
30 the Cree. That was the major effect of the negotiation



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process on their political structure. That is<sup>a</sup> perfectly democratic organization arising from the Band Council structure in James Bay.

Q Well now, a number of the members of the panel, perhaps excepting Dr. Page, have adversely commented on the proposition that in James Bay or in the other cases that you've dealt with, the interests of the small minority were sacrificed for what were perceived to be the interests of a substantial majority.

THE COMMISSIONER: Mr. Scott, before you go on, it looks like we'll be talking with this panel for a while longer.

MR. SCOTT: About 15 minutes, as far as I'm concerned.

THE COMMISSIONER: Well, everyone is slipping out for coffee and I'd kind of like to have some myself, so I think that maybe we'll stop for a moment and just before we do I want to ask a couple of questions before I forget them, and you can return to that rather larger issue you were about to develop, Mr. Scott, when we return from coffee.

Q Mr. McCullum, in your paper at page 18 you said -- you don't have to bother looking this up, but you said:

"In James Bay where the work force has been estimated at nearly 7,000, fewer than 100 natives are employed in construction and most of these in the most menial of jobs."

Now, I was just going to ask you, Mr. Richardson, if that



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1 corresponds with your own knowledge of the situation?

2 WITNESS RICHARDSON: Well, I'm  
3 surprised it's 100, actually.

4 Q You think it's less?

5 A Well, it might well be  
6 100 now, but when I was last there there was about 32  
7 when I last heard of that figure, so it may have grown  
8 to 100 but I think what one can say is that the under-  
9 taking which was given that there would be priority for  
10 native labor was never fulfilled.

11 Q That figure of 7,000 almost  
12 exactly corresponds with the number of construction  
13 workers who would be required to build a pipeline and  
14 the gas plants in the Mackenzie Valley. Mr. McCullum  
15 also said,

16 "In Manitoba, only a handful are working on the  
17 project."

18 That project, that's the building of these dams and  
19 so forth, Mr. Young, I take it, that's a \$4 billion  
20 project? Someone said that yesterday. Do you agree  
with that or can you enlarge on that?

WITNESS YOUNG: I'm not exactly  
sure as to how many native people are currently employed  
24 on various hydro projects in Northern Manitoba, but I  
25 think the cause or the reason for why native people  
26 are not willing or wanting to work with the Manitoba  
27 Hydro project in Northern Manitoba is I think probably  
has something to do with the notion that when a stranger  
28 comes along and starts tearing up your property, suppos-  
ing you're a farmer, and he asks you, and you're standing





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on the corner lot of your section, and he asks you and he doesn't have a legal right to do so, then he comes along and asks you to give him a hand in tearing up that farmland or that section of land, I'm just wondering what anybody's response would be in that respect. I think that's the main reason why the native people in Northern Manitoba will not work for Manitoba Hydro. Their reasoning is that, "Why should I go and work for a corporation that is going to come along and dam rivers, destroy my trapline, and also destroy my navigation, my traditional navigation roads, and also the animals that I've always hunted?" I think that's the biggest reason why native people refuse to work for let's say a pipeline or another hydro project in another province, and you know, I tend to probably agree with them and I sympathize with them, and why should they work for them?

WITNESS RICHARDSON: Mr.

Commissioner, could I just add something? There was, as I understand it, a structure set up which was supposed to take care of the employment of native labor in James Bay, but it got administered from Montreal and what happened, as the Police Commission showed, I think, that it developed into a struggle between two union groups. There was collusion of various kinds within the sort of government Labor Department and the union hiring practices and things, and in that struggle the native interests got totally by-passed. Now that may not happen here but it does show the pitfalls between the promise and the achievement.



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THE COMMISSIONER: Yes.

Well, let's adjourn for coffee.

(PROCEEDINGS ADJOURNED FOR A FEW MINUTES)



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(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. SCOTT: Just before we move on to the question I was going to ask, Mr. Commissioner, I would like to ask Mr. Richardson something about the employment on James Bay, on the James Bay Project.

Leaving aside the number of people who are actually employed, is there any way of estimating the number of native persons who would have been willing to have been employed?

WITNESS RICHARDSON: Well, it's very -- that's a very difficult question which Mr. Young was touching on.

Q Was there for instance any -- I'm sorry.

A Well, I was going to say that I have a friend living in Fort George who because of the sort of structure that has been imposed on Fort George, has a house for which has to pay \$100 a month to the Band Council and he has to find that money somewhere, so he needs a job. He was very, very unhappy about the James Bay Project, about the roads that were being built on the hunting grounds and the whole thing and yet, finally, he went to work driving a big machine in building the road.

Now, certainly I couldn't find it in myself to criticize him. He needed the money and he needed the work but he was, in a sense, a prisoner. Now, when you say he really wasn't willing, he was willing in the end or other people who just say, "Well we won't work for them", so I don't know how





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you would estimate.

Q I'm sorry, I'm not really interested in assessing motives and when I use the word "willing" I didn't intend to invoke that. What I am concerned about is, is there any way of judging of which you know, of the number of persons who sought work, whatever their motives in seeking it?

A I suppose the people in the Grand Council of the Cree might know that. Otherwise, I think you'd probably have to go to every Band Council which is administering welfare funds and so on to find out how many of their people have shown any interest in working on the James Bay Project.

I don't know of any collected statistics which give you that information.

Q The point I'm getting at is that criticism is made of the -- I shouldn't say criticism, the comment is made that only a hundred persons worked on the project and yet is there any foundation for the conclusion that more than that wanted to and if there is, what is the source of that knowledge? You can't have it both ways, it seems to me.

A Yes. Well, I appreciate the question, but I'm afraid I haven't got the information.

Q Mr. McCullum, do you know anything of that?

WITNESS McCULLUM: I'm more familiar with the Inuit situation there. They are not in a geographical position to be very much involved



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1 with the project,  
2 /but I do know that most of the hiring for the project  
3 is not done in the north. In fact, all the hiring for  
4 the project is done in the south so that even if the  
5 people were willing, as you put it, to work on the  
6 project, they have to get somewhere around the Montreal  
7 area to get in touch with the hiring halls and with  
8 the employment offices.

9 Q Yes, but the problem  
10 that I'm directing myself to is this. Let us assume  
11 that we can develop in the Northwest Territories,  
12 mechanisms that will bring the job to the people or the  
13 people to the job or whatever is necessary and let us  
14 assume that we can develop mechanisms that will give  
15 them adequate training if they want to fulfill the job  
16 requirements. Is it correct to say that the people  
17 around in the James Bay Project did not want to work  
18 for the project or is it, on the alternative, correct  
19 to say that they did but were unable to get hired?

20 WITNESS RICHARDSON: As to  
21 their attitude on that, I -- there's a sort of  
22 ambivalence in a sense in that they were against the  
23 project. They wished it hadn't arrived but they felt  
24 that since it was there, this -- and jobs were being  
25 created around them and in their own villages and so  
26 on, then those jobs should be open to them. So that I  
27 would imagine that there were people willing to work  
28 if work had been available to them.

29 That's, anyway, the kind of  
30 attitudes that have been expressed to me.



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Q Yes.

THE COMMISSIONER: Well anyway,  
if it is a good thing to have native people employed  
on a large scale on one of these great frontier projects,  
for whatever reason; union difficulties, hiring halls  
in the south, native sense of a continuing native  
grievance about what has occurred, failure to settle  
land claims; there's been no significant native employ-  
ment on the James Bay Project.

A Right.

MR. SCOTT: Well, deferring to  
the Commissioner's question I don't ask you to direct  
your mind to the question of whether it's a good thing  
or not. My question is directed to whether persons  
appear to have wanted to work in greater numbers than  
actually worked?

A You know, I can only  
transmit to you the kind of attitudes that were expressed  
to me by Indian people living in James Bay on various  
visits there and if I refer to the same fellow, he  
had a sense of grievance that more Indian people were  
not working on the project and yet he didn't really  
want to go and work on it, but he did go and work on it,  
and he did so in a sense having been forced to by his  
economic circumstances.

So, it's a bit complicated,  
the set of attitudes.

Q Yes. Mr. McCullum, would  
that be your view of the people whom you came into contact?



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WITNESS McCULLUM: Yes, I

think it would, but I'd like to mention that there's one other problem there too. Most of the construction camps are closed camps in that you cannot bring your family there and that is one of -- one of the serious reasons why a number of the Cree people who I talked to who at least thought about employment felt that they would have to taken away from their families and live in a closed camp where, if you've been reading any of the reports<sup>about</sup> LG-2, they're not even allowed to hold hands in the movies if there are any women in the camps.

The people felt that they didn't want to be separated from their families in the closed camps because the white construction workers were forbidden to go to the native communities.

Q But was it your view that if the conditions had been right, there would have been more natives who were prepared to work on the project?

A Yes, I would say so with the qualification that I don't have figures to back that up.

Q All right and Mr. Young, would that also be true in Manitoba?

WITNESS YOUNG: It depends on you mean by "conditions". You know, the definition that you attach to the conditions as you would expect. Let's take, as an example an individual who has all his life, lived on a trapline and lived off the land and all of a sudden some planner comes along and takes the position that he's going to develop the area in which





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he's always worked at. Now, I can't expect -- you know,

to me, it would be ridiculous for me to expect that individual to go and work as a wage earner when he's never lived that way and I wouldn't expect him to go and work as a wage earner if he said "no, no, I don't want to work as a wage earner". Indian people will not say "no". They will just refuse to do what is expected of them because of their, you know, their pyschic, their upbringing. You know and I fully comprehend also the friend that Mr. Richardson is talking about.

I can see myself now when I was a high school student at Grand Rapids. I worked on a project there that destroyed -- illegally destroyed a community. Cedar Lake, I'm talking about

where the Federal Government, after the fact passed an Order-in-Council to take that Indian reserve and give it to the Provincial Government. It's now under a forebay.

Now, I can see myself as a highschool student at that time, I was at high school. I didn't know. I didn't know any better. I worked on that project but now that I know better, I would have refused to work on a hydro project. Now, and I really believe that in the back of a lot of Indian people's minds that you know, that they're not ready yet to be wage earners. A lot of them are but those who are not ready and I don't think they should be expected to jump up and down and say, "Well there's a project and they're going to be working for five years." Well, what happens after five years when the machinery pulls out? What's



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going to happen to these people? If they learn a trade while they work at these project, I don't think so and they have learned to clear brush and they have learned to dig ditches. They have learned to sweep floors. But once the project is finished, what happens to these people? That's the question in my mind.

I think that's the problem we should be addressing ourselves to.

Q Well, the problem that I would like you to address yourself to for the moment is this. If a project like a gas pipeline goes ahead in the Northwest Territories, it can be structured so as to encourage native employment. It can be structured so as to exclude native employment or to make it unattractive for native employment and dealing with Manitoba for example, are you satisfied<sup>as</sup> a member of the Flood Committee, are you satisfied with number of native people who are employed on the project, or would prefer that there should more or less?

A Speaking for myself, I will try to be as objective as I can.

Q Yes.

A I think I believe that if the circumstances<sup>were</sup> right and I really sincerely believe if only the native people, the people who are going to be impacted by any major project anywhere are involved in the planning at the outset, they're told, "This is what we are going to do. What do you think of it? Let's get together and draws our plans and try to develop the underdeveloped areas," and I mean the



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1 geographical area that's going to be worked on. Let's  
2 develop it together, plan it so that the environment,  
3 the ecology, the people will not be impacted as  
4 drastically as they will be if just went in there and  
5 started working on our own and drilled here and there and  
6 destroy the environment like they're doing in Manitoba.  
7 They're just diverting rivers.

8  
9 Yes, I believe that if the  
10 people were involved in the planning that they would work  
11 on the projects because it would part of their doing.

12 Q Yes and it's the position  
13 of the Flood Committee, isn't Mr. Young that in  
14 negotiating with the Hydro and the Manitoba Government  
15 that there should be more natives employed on those  
16 projects?  
17  
18  
19  
20  
21





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1 A Well, as I say, I would  
2 have to answer it with what I have just said. Right  
3 now, no.

4 WITNESS RICHARDSON: Mr.  
5 Scott --

6 MR. SCOTT: Yes sir.

7 A -- it might be useful to  
8 refer back to what Harvey Feit said, to just use the  
9 phrase "if the conditions are right," and it kind of  
10 starts off in my mind what he had said about the way  
11 in which the Cree people had found a way to integrate  
12 summer wage employment into their lifestyle by taking  
13 jobs that allowed them to work in their family groups,  
14 which kept them in the bush, and enabled them to get  
15 country food and allowed them to use the Cree language.  
16 Those jobs actually have turned out to be line-cutting  
17 for companies, Chibougamau Mining & Smelting and so on ,  
18 and seismic work in the bush and so on.

19 Now it seems really that the  
20 conditions are not right in that sense, and that probably  
21 explains their reluctance, at the same time their irritat-  
22 ion that the conditions are not right and they're not  
23 able to go and take the jobs that they probably would  
24 like to go and that they see other people taking.

25 Q Well, let me ask the  
26 panel a general question, and I exclude Dr. Page on the  
27 assumption that he's tenured, but he can answer it if  
28 he wants, but assuming for the moment that the gas  
29 pipeline is going to be constructed in the Mackenzie  
30 Valley, I ask you to make that assumption. It may be



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1 wrong, but make it for the moment. Should the job be  
2 structured and should the working conditions be developed  
3 so as to make employment on the project as attractive  
4 as possible for native people?

5 A Yes.

6 Q Mr. McCullum?

7 WITNESS McCULLUM: Yes, making  
8 sure that the conditions are as attractive as possible  
9 in terms of what Mr. Richardson just read to us.

10 Q Yes. Mr. Jones? Yes?

11 WITNESS JONES: Yes.

12 Q Mr. Young?

13 WITNESS YOUNG: Yes, I would tend  
14 to agree to that.

15 Q Thank you. Well now,  
16 Mr. Richardson, you've outlined some of the problems  
17 that have existed, and Mr. McCullum has too, that have  
18 existed in connection with James Bay, the remoteness of  
19 the hiring offices in Montreal, the trade union problem,  
20 I suggest to you that the fundamental difficulty, apart  
21 from working conditions, that is the jobs being remote  
22 from homes, <sup>or</sup> ones to which families cannot be taken, that  
23 the fundamental difficulty is that the agreement stipu-  
24 lates preference in hiring and very little more, and that  
25 that's simply an unworkable proposal.

26 WITNESS RICHARDSON: Unworkable  
27 because the people are not trained for the jobs, is  
28 that what you're suggesting?

29 Q Well, I suggest to you  
30 first of all that even assuming training, a stipulation



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that there will be preference doesn't provide any stick  
to make it work.

A Oh. Well, I<sup>don't</sup> mean to say  
ignore it, you're obviously right; but if they didn't  
ignore it, why wouldn't it work? I mean if they wanted  
it to work.

WITNESS McCULLUM: Are you  
suggesting that there might be terms in the licence  
to convey that would force the companies to hire a  
percentage of native people?

Q Well, in Alaska, for  
example, instead of a stipulation that there will be  
preference for hiring, they stipulate quotas. That  
doesn't mean that you can't hire beyond the quota, but  
it means that you must hire to the quota, and that that  
is a restriction which imposes its own kind of  
compulsion on the project. Would that have made any  
difference, in your judgment, in James Bay?

WITNESS RICHARDSON: I tend to  
agree with you, actually, and the more so when you go to  
the United States and you turn on your television  
set you're constantly confronted with black announcers  
and black reporters and black fashion models and people  
who have been given jobs because they are now under the  
obligation to give a certain number of jobs to these  
people, which really raises the very broad question as  
to whether you can or cannot legislate about questions of  
sort of  
prejudice. It's widely accepted that you can't but  
I think it's proving that actually you can, that you  
can take effective measures which deal with these



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1 prejudices. Yes, I agree with that.

2 Q Well, what do the other  
3 members of the panel think of minimum quota systems as  
4 applied to the projects of which they have knowledge?  
5 Mr. McCullum?

6 WITNESS McCULLUM: I don't think  
7 it deals adequately with what happens when the project  
8 is finished and the people have been attracted away  
9 from a subsistence form of living to a wage economy,  
10 and then when the construction period is completed, what  
11 happens to the people then? They may be able to --

12 THE COMMISSIONER: That's an  
13 issue that Mr. Young just touched on too. Now that's  
14 an underlying issue that lies beneath any discussion of  
15 employment on the pipeline. Is it a sound notion to  
16 attract people to employment on a pipeline without  
17 thinking ahead to what is going to happen to them and  
18 to the north after pipeline construction is ended? I  
19 think we can assume that the Inquiry is greatly concerned  
20 about that question, and we'll be hearing evidence on  
21 it but just taking Mr. Scott's question in the limited  
22 framework that he's adopted, that's all, <sup>if</sup> you have some-  
23 how decided that in the long run you have a program that  
24 makes it, you think, and let's not get into the question  
25 of who "you" is in this particular context, that you  
26 think it's worthwhile to have -- give native people  
27 an opportunity to work on the pipeline. Well, to give  
28 them a choice, can you do it by quotas? Is that something  
29 that will work? That's the limited angle from which I  
30 am examining your answers to Mr. Scott's questions.





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A

I think that will probably be a better way of doing it than putting a preference in.

MR. SCOTT: Mr. Jones?

WITNESS JONES: I agree with giving them the opportunity, but I believe it shouldn't be a minimum.

Q It shouldn't be a minimum?

A It shouldn't be.

Q Do you mean by that that they should be able to hire more than the minimum?

A Well, if the pipeline was to be built, I would assume that the natives would be involved in the planning of it and prior to the building of the pipeline I believe there is a lot of technical positions that would be available throughout the construction. I would only again assume that the people would be trained for all these positions and they -- I don't think people, if you're going to have the position of 100 people, I don't think you would just train 30 natives just because the quota is 30. The opportunity should be there to train as many natives as want to participate in it.

Q But would you agree in that example you should train at least 30, rather than 10?

A I believe you should train enough to get out of the present plight that they're in in relation to unemployment and social assistance.

Q Well, Mr. Young, what's your



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answer to the proposal of the quota system?

WITNESS YOUNG: I think you know to address myself to that question I would have to go back to your original question of speaking of if conditions were right. I would have to say to myself that, "O.K.," after asking that question I would have to say to myself, "Well, what do native people want now insofar as these projects are concerned?"

I think that the reason why these hearings are being held and the reason why a lot of native people are voicing concern, concerns wherever progress is being implemented without their say-so, without their involvement, is that they want to plan with the people who are bringing in the progress. They also, if their rights are being impacted or impinged upon by those projects, they want to negotiate a settlement. Obviously in the Territories the Dene people are saying, "Look, you are going to build a pipeline through our land, we want our rights recognized first before you build that pipeline."

O.K., having answered those questions, then I think we can address ourselves to these nice questions about quotas, etc. Perhaps the native people will all want -- if their settlements or their plights are answered, perhaps the quota question will not even come up. Maybe the native people will say, "Look, we're going to work for you, you've dealt with us fairly." The quota question may be just academic. Well in fact it's academic in my opinion right now. That's, I think, my answer to it.



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Q In Manitoba, as I understand it, the hydro project has built in it just like at James Bay, a preference clause. Now what I'm really asking is, do you like that clause or would you rather have something like a quota clause?

A Well, I --

Q Or do you just say, "We're not interested in talking about that."

A Well, my own personal opinion is I'm not interested in talking about that until such time as hydro comes along and says, "Look, let's negotiate a settlement," and then we can talk about things like quotas, etc. They may not even come up.

THE COMMISSIONER: You're saying no system is going to work unless there has been a settlement of native claims.

A I'm saying that in order for the native people, wherever they may be, in order for them to fully appreciate and try to understand why projects are going through, they're going to have to be asked to participate in the planning, they're going to have to be -- if their rights are going to be impinged upon they're going to have to be -- those rights are going to have to be recognized by those people impinging upon them. They're going to have to be recognized that they do have rights, and if they're going to in any way be belittled or demeaned, they have to be compensated for that. That's all I'm saying.





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MR. SCOTT:

Q Mr. Young, I understand,

I think, what you're saying about the importance of a  
settlement; but one of the virtues of having you here  
is that you can tell us about what happened in Manitoba  
and in Manitoba there is a preference for natives  
provision. Perhaps you can tell us how it works, what's  
good about it, what's bad about it.



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A Well, okay, Manitoba

Hydro says nicely that they are going to have preference for hiring native people and, well, that's nice to say that but are they in fact practicing what they put down in writing? No, they are not.

Now, that's not necessarily to blame Manitoba Hydro or the Provincial Government for that. Who is to blame for it? We don't know. The native people who want work there.

I think it may be that what I'm saying is totally wrong but I really believe and I, you know, I think it's a human question, you know, you have property somebody is going to go walk on it or use it. If he wants to use it badly, if he thinks that he's going to, he has to have it, then he is going to have to negotiate with you and the human question is that the native people do in fact have rights over lands that they say they have rights on. We don't know that especially in the territories where the pipeline is going to be built. That question has never been answered. I think that question has to be answered.

Q Let's go back to Manitoba, the project is being built in Manitoba. You are past the stage that the people of the Northwest Territories are in. The project is being built and do I understand that in Manitoba there are native people who would like to work on that project and aren't able to get jobs?

A Yes, I believe there are native people who would like to work on the project.



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Q Okay.

A But not, not native people from southern Manitoba. It's the people who are in and around the project but --

Q I'm sorry --

THE COMMISSIONER: Carry on.

A But as I say I really believe and I sincerely believe that the people, let's say, for instance at Cross Lake and Norway House where the control structure, one of the control structures are being built and is almost completed now, that if they were to work there what would be the point in them, you know, working to destroy their way of life, their environment? What would be the point in them working for three years and then having nothing to do thereafter? I mean they are all menial jobs that they are doing. They don't even know how to drive trucks; they don't even know how to drive, you know, some, a machine like a caterpillar for instance. All they would have to do is, you know, work on the dikes, on the highway, you know, dig ditches, menial work.

Q Well, would some of these people who want jobs and aren't able to get them in your judgment be well-served if there was some kind of adequate training program?

A Yes, they would be well-served if there was some kind of adequate training program. That's correct.

Q All right. What sort of,



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1 have you given any thought to what sort of training  
2 program it should be?  
3

4 A My personal opinion on  
5 the native situation and that is that training programs  
6 are good but I think that the native people are in fact  
7 looking for more than that. They are looking for  
8 leadership beyond having the capability of driving a  
9 truck, etc. I think what native people are looking for  
10 is more people like myself, more lawyers, more  
11 economists, more teachers. I mean that type comes  
12 about. The rest of the other people will be looking  
13 up<sup>to</sup> these people for leadership will get that kind of  
14 you know, programs that you are referring to, training  
15 programs. They will get them eventually. But right  
16 now, as I see it, Federal Government, Provincial  
17 Governments are in fact doing the planning for them  
18 and the native people are not getting the real benefit  
19 that they should be getting from, from the Federal  
20 Government insofar as the Department of Indian Affairs  
21 is, has jurisdiction over them.

22 Q Well now, to turn to a  
23 more general question, all of the panelists, I think,  
24 with the exception of Dr. Page either specifically or  
25 implicitly advanced the proposition that in the case of  
26 their projects or the projects of which they have  
27 knowledge, the interests of a small minority were  
28 sacrificed either by the government or in the James  
29 Bay case, by the Court's withdrawal of the injunction  
30 in favour of the perceived interests of a very





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1 substantial majority. I think in the James Bay case  
2 it was said that the competing interests were that of  
3 2,000 people on the one hand and six million on the  
4 other. Now leaving aside, if I can for the moment, the  
5 rhetoric that the judgment of the Court engages in  
6 in that case -- and I use that phrase without any  
7 criticism of course -- what are the circumstances in  
8 which the interests of the majority should over-ride  
9 the interests of a minority, white or native?

10 WITNESS RICHARDSON: That's quite  
11 a question you're asking.

12 Q No, it seems to me with  
13 the greatest respect, Mr. Richardson, and Mr. McCullum,  
14 because you both have specifically referred to it in  
15 your papers, that it's question-begging to say that  
16 there's no case in which this will happen. It's  
17 easy and it's neat and it certainly takes care of  
18 all the cases, but whether it's consistent with life  
19 in a plural society is something that frankly troubles  
20 me. What are the circumstances in which the interests  
21 of a minority must give way to the interests of a  
22 majority?

23 A Well, I don't think I  
24 could possibly answer that question in the form in  
25 which you put it. Obviously the --

26 Q Would you mind moving  
27 the mike over, please?

28 A Obviously there are many  
29 circumstances in which the interests -- the public  
30 interest is served by the interest of the majority



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1 being imposed on those of a minority. It's foolish to  
2 say otherwise. For instance, there may be a minority  
3 of people who might want to drive on the other side of  
4 the road, but in the public interest we force them to  
5 drive on the same side of the road as everybody else, to  
6 give a ludicrous example.

7 I think -- well, I don't want  
8 to answer the question in that form. So I have a form  
9 in which I'll answer the question.

10 Q All right, stipulate your  
11 form then.

12 A Well, in the particular  
13 case of James Bay and also of the Mackenzie Valley  
14 Pipeline, the assumption is that really we only need  
15 energy, and I don't believe that any society only  
16 needs energy. These are matters of opinion, really.  
17 The government has one opinion and I have another.  
18 A lot of other people have different opinions. I think  
19 we have too much energy and that we're wasting too much  
20 of it, and therefore we probably don't need the  
21 pipeline and this project. I think we also need,  
22 for example, wisdom and decency and sensitivity, and  
23 these are things which are involved in dealing with  
24 this very profound human problem which is the clash  
25 between two cultures whose attitudes are almost  
26 irreconcilable. Now I don't feel myself that the  
27 interests of getting energy out of the north over-ride  
28 our need as a society for these other qualities, so  
29 I don't really believe that it's in the public interest  
30



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1  
2 at all to allow the need for energy to overwhelm our  
3 need to be a decent society.

4 Q Well, let me just carry it  
5 one step further. It seems to me, respectfully, that  
6 it doesn't balance the competing interests and solve  
7 the problem to say that competing interest is really  
8 non-existent, and I understand from Mr. McCullum's  
9 paper that's really what he says, that energy crisis  
10 is not nearly as critical as it's made out to be .  
11 Let's assume that there is a necessity for gas in order  
12 to maintain the existing level of employment in southern  
13 Canada, and that without gas from the Northwest Territor-  
14 ies there will be a substantial industrial problem.

15 Leave aside the two cars and all that for the  
16 moment. Is that a factor that in your judgment goes in-  
17 to the balance when you make the kind of presentation  
18 that you do in your paper?

19 A Oh, I refuse to make the  
20 assumption. I mean we're living in a world in which  
21 2% of the world's people are using 30% of the resources  
22 now and I just don't want to make that assumption.

23 Q If it were demonstrated  
24 --

25 A I think it's recently been  
26 shown by people who are working on the possibility of  
27 becoming a more conserver society and less consuming  
28 society, that in the United States for example merely  
29 by taking measures of conservation, they could cut the  
30 energy increase to 1% a year. I think these kind of --





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1  
2 I don't see why I should be forced to make the assumption  
3 that you want me to make. I'd want you to make the  
4 assumption that we can cut energy demand and then ask  
5 me the question again.

6 Q Is there any situation  
7 that you can envisage in which, to take James Bay, the  
8 needs of Southern Canada would dominate<sup>over</sup> the needs of the  
9 people of that area?

10 A You mean that I would  
11 approve of?

12 Q Right. That's what it's  
13 down to, isn't it?

14 A Well, it's a bit simplis-  
15 tic, of course, too, because in fact it's obvious that  
16 Southern Canada, as America has occupied the west,  
17 Southern Canada is<sup>now</sup> occupying the north. There is no  
18 possibility of stopping that process from occurring.

19 In what manner is the deed being done? That's what  
20 we're arguing about here. Is it being done in a decent  
21 and humane manner?

22 Q Well, you see, you said  
23 that Arctic Gas should fold up its tent and go home,  
24 that that would be the greatest contribution to the  
25 general welfare that it could make, and what I'm concerned  
26 about -- and Foothills -- and I recommend that to them  
27 because it may be about the only way that I'm going to  
28 get to go home. But leaving that aside, it seems to  
29 me that that's to finesse the question because there  
30 may be needs that are legitimate in the sense that to



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maintain employment in other parts of Canada, expansion of the country, over the objections of persons who live in it will have to take place or maintenance of living standards in other parts of the country will not be maintained.

A I do appreciate this dilemma. Infact I think everybody who's had anything to do with the environmental movem ent lives with it daily, and the dilemma is not merely one of the Cree or Dogrib people being imposed on by huge projects from the south. For example, at Sainte Scholastique near Montreal they expropriated an enormous area of good farmland and knocked down a lot of villages to build an airport, and they propose to do the same thing at Pickering near Toronto. But public <sup>have</sup>receptions of these things changed enormously in the last ten years and with all due respect, I think the assumptions which were implicit in your questions arise from the kind of public receptions which were common 15 years ago. There's a very extraordinary difference between the reaction of the people who were expropriated at Sainte Scholastique for example, who took the money that was offered to them and the people who refused to be expropriated at Pickering about five years later. They simply refused to take the money because the perception of the problem had totally changed, they didn't want an airport to be built, they didn't think it was necessary, and in fact I understand the government has now decided that it's not to be built. It's decided that because of a total change in public perceptions about what is in the public interest.



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Cross-Exam by Scott

1 THE COMMISSIONER: Did you want  
2 to add something to that?

3 WITNESS McCULLUM: I don't  
4 think I can say very much more than what Mr. Richardson  
5 has<sup>said</sup> so eloquently, except that I would like to ask a  
6 question myself. Who defines these energy crises and  
7 who are they defined for, and eventually who pays for  
8 them?

9 MR. SCOTT: O.K. I understand  
10 your problem, Mr. McCullum. That's a good question  
11 but if there is no energy crisis, the dimensions of  
12 the problem are vastly altered. In other words, if  
13 you don't have a crisis of the type that Arctic Gas  
14 and perhaps Foothills and the other and certain  
15 government agencies told us we have, then the problem  
16 is really removed. It ceases to be a problem.

17 There can be time and develop-  
18 ment isn't necessary, but what I'm saying to you is  
19 what is the nature of the crisis that you can envisage  
20 that would permit this kind of development of one  
21 section of the country, if you will, dictated by the  
22 interests of another?

23 A I would think that the  
24 crisis, of whatever magnitude it is that you're suggest-  
25 ing would have to be defined by all the people and not  
26 by just one segment of society which seems to be the  
27 case today where many people at least question whether  
28 the energy corporations have the sole right to define  
29 consumption and the sole right to define what reserves  
30 we have and what deliverability there is; that there is



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1 not the involvement of not only the citizens who live  
2 in the north, the native people who live in the north,  
3 but there is no involvement by the consumers in the  
4 south really in what forms of society they wish to  
5 live in. Do they live in a consumer or a conserver  
6 society as Mr. Richardson suggests?

7 Q Well, would you agree  
8 with this proposition that when there is a substantial,  
9 intelligent, informed judgment on the part of the  
10 Canadian people that the development is necessary then  
11 you wouldn't stand in its way?

12 WITNESS RICHARDSON: Can I  
13 answer that?

14 WITNESS McCULLUM: Well, I  
15 would not stand in its way if there were the involvement  
16 of the people of the north and if the rights of the  
17 people in the north were first guaranteed which they  
18 to date, have not been and that if they had some  
19 participation in the decision making that would in  
20 fact, change their lifestyle and change their culture  
21 and their political structures substantially or totally;  
22 that it should not be a decision made solely in the  
23 south or in the colonial manner.

24 WITNESS RICHARDSON: I do  
25 agree with the proposition.

26 WITNESS YOUNG: Could I respond  
27 to that too?

28 Q All right. Yes, by all  
29 means. We have --





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Cross-Exam by Scott

1 A You are saying that if  
2 the people were properly informed -- is that the  
3 general public?  
4

5 Q The general public of  
6 the country.

7 A Yes, I believe that if the  
8 general public were properly informed concerning the  
9 usage of our energy, that they would refuse to allow,  
10 that they would probably refuse to allow a project of  
11 this size or any size to built in the manner that they  
12 are being built now. I would think they would say, "Take  
13 you time and build it properly and save our environment,  
14 save a lot people problems who are going to be impacted  
15 by those projects." It's the story about a man who  
16 was driving into Winnipeg for instance and for about  
17 five miles, he's driving down the highway with his  
18 headlights on and he's also got on the other side light  
19 standards and all of a sudden the lights go out and  
20 he's lost and meanwhile, he's travelled 500 miles  
21 without the use of electricity. Now, all of a sudden  
22 because he's approaching Winnipeg, the lights go out  
23 in the city and he's worried because the lights have  
24 gone out. Meanwhile, his headlights are still on.

25 You see, that's the problem  
26 we're faced with. I with it's a conservation problem  
27 and it's not an energy crisis. You know, the energy  
28 crisis is something that been blown wide open by  
29 I suspect people down in Texas, New York and Chicago.

30 WITNESS RICHARDSON: Mr. Scott,



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I think your question bears on the democratic process and I'm glad you put it to us in that way because it actually does describe the conditions in which I would accept that the majority must override the wishes of the minority.

In fact, I said this many times during the many arguments we had about James Bay that if one had a sense that in the decision making process the collective wisdom of the Canadian people had been applied to the decision and the decision was against what one personally had worked for then, reluctantly one would accept it and that's why I think that this Inquiry is an important element in that process.

So, you know, but what we've been talking about up to now is my particular view of this point. You see, I think we have a human and environmental crisis which is more important than the energy crisis.

Q Mr. Young --

THE COMMISSIONER: Excuse me, how are we -- how's the time?

MR. SCOTT: I have two questions of Mr. Young and then I'm finished sir and I don't know what the time is. It's five to one, perhaps --

WITNESS JONES: Mr. Commissioner --

THE COMMISSIONER: Yes, go ahead Mr. Jones.

A Yes, Mr. Commissioner, I'd like to respond to Mr. Scott's question on the majority overriding the minority. Having never been in



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a position of the majority, I'd like to answer that philosophically. I think the majority should override the minority when both parties reach a level of equality.

MR. SCOTT: Well Mr. Commissioner, it's past our lunch time, perhaps we -- It's past my lunch time.

THE COMMISSIONER: You don't want to ask those two questions?

MR. SCOTT: Well, they may take ten or fifteen minutes. If you want me to, I'd be glad to ask them now.

THE COMMISSIONER: No, no, no, no. Well, let's come back at 2:15. 2:15 then.

(PROCEEDINGS ADJOURNED TO 2:15 P.M.)





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Cross-Exam by Scott

1 (PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

2 MR. BELL: Just before Mr.

3 Scott resumes his cross-examination sir, it's been  
4 brought to my attention that Mr. Steeves, during his  
5 cross-examination of the panel this morning made a  
6 statement which may have been interpreted by some as  
7 suggesting that Mr. Jones and Mr. Young shouldn't be held  
8 accountable for the statements they made in evidence, and  
9 I thought perhaps Mr. Steeves should be given an  
10 opportunity to correct that impression.

11 MR. STEEVES: Well I don't  
12 need to correct the impression because I didn't read  
13 that impression. I thought what I said was very clear.  
14 Mr. Jones and Mr. Young are speaking from personal  
15 experience, not as observers or students of life.  
16 They're telling us the way it is. You don't have to  
17 justify what they say.

18 Someone else speaks of something  
19 as a bystander, as an observer. I think he does. That's  
20 all I meant and I meant nothing more by it and I don't  
21 understand what my learned friend is telling me.

22 THE COMMISSIONER: Well, let's  
23 drop it.

24 MR. SCOTT: Mr. Young, I have  
25 two things I'd like to ask you about. On page two of  
26 your evidence, you list some of the adverse effects  
27 that have occurred and then -- Yes?

28 WITNESS YOUNG: Page two and three.

29 Q I'm sorry, it's page  
30 three. You begin by saying that the impacts of that



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1 project on the communities affected are clear and then  
2 you go on to say that, you begin to list some of those  
3 impact. Then you say, "We know because it is already  
4 happening, all of it", and what I would like to ask  
5 you to describe for the Inquiry is what precisely is  
6 happening? In other words at what stage is this  
7 project? How far along is it and what have the precise  
8 consequences been in your communities?

9 A Depending on who you  
10 talk to in Manitoba, we feel that the project, it's  
11 not half-way finished yet but the Manitoba Hydro and  
12 the Provincial Government will maintain that the project  
13 is 75 percent complete. Now, when you say precisely  
14 what is happening, I think that the, in my evidence,  
15 I attached appendix B to projected shoreline flooding  
16 and I think that if I were to begin to speak about  
17 what impacts are presently being experienced by the  
18 people we represent I think I would be here for the  
19 rest of the afternoon.

20 It is quite extensive. I  
21 will try to be as brief as I can.

22 Q Well, let's take one  
23 community. Let's take Nelson House, for example.

24 A O.K.

25 Q What has happened at  
26 Nelson House to the community since the commencement  
27 of this project?

28 A O.K., First of all,  
29 when Manitoba Hydro made plans diverting the Churchill  
30 River, the people at Nelson House were uninformed until



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1973 when they were finally told that the diversion of 30,000 cubic feet of water from the Churchill river down the Rat which was then a stream, which is now going to be part of the Churchill River and part of the South Indian Lake.

The people at Nelson House of course started asking questions. "How are you going to protect our land. We're going to be flooded." In the process while Hydro was preparing for the back-up for the South Indian<sup>Lake</sup> forebay they cut off the water which generally feeds into the lake on which the reserve is located and in so doing, the people first of all, by the process of damming that river, lost a lot of their trapping areas on the other side of the control structure and then because the water was being blocked off last summer, the people lost -- the water went down so bad in the lake in which they use for domestic purposes and transportation and also for purposes of fishing, there there was fewer -- that there would be an outbreak of typhoid fever last spring.

So in order to offset this, we quickly negotiated with the Department of Indian Affairs for them to purchase a water truck for the community which they did, but only after this fear that we'd reduce this fear that there would be an outbreak of typhoid on the reserve if nothing was done about it.

It was about that time that a young child died of diarrhea and we tried to determine what was the cause of death. We could not. The information with respect to the autopsy was not released.



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I think that the important aspect of what immediately happened at Nelson House is that their trapping areas were inundated to the extent that they couldn't go out last winter. They couldn't go out this spring. Their water supply<sup>was</sup> detrimentally affected to the point that they could not use it for purposes of drinking. They could not use the water for purposes of transportation to go to the areas in which they generally trapped and hunted and basically, those are the major impacts of the diversion at this point in time, and that's without the discharge of that 30,000 cubic feet of water which they're going to release commencing this fall.





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1 Q Well now, also in your  
2 paper -- and I don't have the page note -- but you speak  
3 not entirely favorably of the manner in which  
4 claims have been settled or are going to be settled  
5 in Manitoba. What I'd like to ask you is, what has the  
6 proposal been that the government has made with respect  
7 to the settlement of claims in Manitoba?

8 A The proposal first of all  
9 was, that is in my opinion, still non-existent. They  
10 held out as far back as a year and a half ago that  
11 they were prepared to fund the communities and their  
12 legal counsel for the purposes of negotiating a  
13 settlement with them, but we told the Minister respon-  
14 sible for the holding out that there was no way that  
15 the people were prepared to accept funding from the  
16 Provincial Government to negotiate a settlement. At  
17 that time also they indicated that Mr. Buchanan and the  
18 Minister himself, the Provincial Minister were prepared  
19 to put the thing to arbitration, and again we met with  
20 the people and of course we advised them that arbitration  
21 and negotiations are two different things. Arbitration  
22 is something that is ultimately settled by an individual,  
23 a stranger, and the people on their own accord went back  
24 to their communities and discussed it with their  
25 people and we met again a month after this was proposed  
26 to us by both the Federal and the Provincial Governments,  
27 and they rejected that motion. They thought that they  
28 were just as capable as anybody to, you know, to sit  
29 down at a table and negotiate a just settlement, that  
30 they thought was right. You know, a settlement that



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solves the people and also of benefit to people in  
Manitoba.

Q Well, have any of the  
claims been settled?

A Claims such as loss of  
personal property, canoes, etc., that were damaged  
because of fluctuating waters, cabins, loss of traps,  
loss of nets, these items, all personal matters, were  
-- are being settled by the Provincial Government.

Q Well, what I'm trying to  
get at is how are they being settled? Is there an  
arbitrator or is it just face to face negotiations, or  
is there some tribunal that disposes of them?

A They are being settled  
on a more or less individual basis. The people affected  
file a document with hydro or else the province. It's  
a system that we've agreed to and the people filed this  
paper and they lay out their claims for personal property  
loss, and they're all interim payments pending a final  
settlement between us and the hydro.

Q Who is going to decide how  
much the claim is worth? Is that going to be agreed upon  
or is that going to be decided by some tribunal or  
individual?

A Well --

Q Or do you know?

A Well, we've got ideas.

See, we've appointed a mediator. A mediator was agreed  
upon by all parties, a fellow by the name of Leon Mitchell,  
who is a lawyer, and --



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Q Well, there's nothing wrong with that, is there?

A No. He's in the process of going out to communities to visit them and also he's in the process of asking the parties to the mediation agreement for ideas or principles on which negotiations could commence, or principles on which a settlement can be arrived at, and next week starting tomorrow he'll be travelling to the communities, together with the other parties, the Federal Government and the province, hydro, and of course our committee will be <sup>there</sup> represented by legal counsel, and he'll be visiting the five communities and asking questions, or they ask him questions concerning what they think should be happening with respect to an ultimate settlement.

Q Mr. McCullum, do you have any further information about the techniques of claim settlement that are being utilized?

WITNESS MCCULLUM: Not presently. The mediation process, as I understand it, is not going to go on indefinitely, and once the -- neither party, as I understand it, is bound by the mediation process, and then if the Northern Flood Committee is not satisfied with what that mediation has been, the Minister has agreed that they may institute Court proceedings against the Province of Manitoba and the Manitoba Hydro.

MR. SCOTT: Those are all the questions I have, and I'd like to thank the panel very much for their attention.





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Richardson, Page  
Re-Examination

1  
2 THE COMMISSIONER: Any re-  
3 examination?

4 MR. BELL: I just have a couple  
5 of matters.

6 RE-EXAMINATION BY MR. BELL:

7 Q Mr. Jones, Mr. Steeves  
8 raised with you the matter of the cannery at Port  
9 Simpson, and I know that you and the Commissioner and  
10 Mr. Steeves are all from B.C. so you may be more  
11 familiar with this project than the rest of us who are  
12 mostly from Ontario, and I was wondering if you could  
13 describe for our benefit a little more of the background  
14 and the purpose of this particular project?

15 WITNESS JONES: Well, native  
16 people in our area especially in the north coast and the  
17 south coast of B.C., were very prominent in the fishing  
18 industry, and throughout the years more and more  
19 canneries were shut down. This is mainly because of  
20 automation, etc., but with the Port Simpson Cannery  
21 initiated as a co-op in which employment will be created  
22 more than anything else because a large number of people  
23 were put on the unemployment rolls and will eventually  
24 end up on the welfare rolls because of the shutdown in  
25 a number of these canneries.

26 At one time our native fisher-  
27 men in British Columbia numbered 50% of the total  
28 fishing population for salmon fishing population, and  
29 with this 50% they caught over 50% of the production,  
30 salmon production, and through this cannery a number of



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Re-Examination  
Re-Cross-Exam by Steeves

1 these fishermen can come back to fishing again instead  
2 of being just unemployed. Is there anything specific  
3 that you'd like me to --

4 Q I take it that the native  
5 people in that area had a long history of using this  
6 particular resource in their economy.

7 A Yes, fishing is a very  
8 definite factor in their lives and their culture.

9 Q And as I understand from  
10 what you said, the purpose of the project was to  
11 alleviate unemployment problems in the area.

12 A Right.

13 MR. BELL: Thank you.

14 MR. STEEVES: Could I just  
15 ask a question about that, sir, about the project?  
16

17 RE-CROSS-EXAMINATION BY MR. STEEVES:

18 Q The point that struck me  
19 about it, sir, was that it wasn't something imposed  
20 on your people or on the people on the north coast  
21 from outside; it was an idea that developed on the  
22 north coast itself, isn't that so?  
23  
24  
25  
26  
27  
28  
29  
30



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Re-Cross-Exam by Steeves

1  
2 A Well, it developed  
3 when the opportunity came because a very large number  
4 of native fishermen were put on the unemployment rolls.

5 Q But this was your own  
6 people's response to a problem rather than some idea  
7 created by Ottawa.

8 A Well, having the people  
9 being fishermen for all their lives, it was just  
10 natural that they try and stay with it.

11 Q But that's what I'm  
12 getting at. It was an idea that evolved from your  
13 people as a solution to their own problem.

14 A It's an idea, well there  
15 are many problems in it, you know. One of them was  
16 to lighten the unemployment burden, you might say.

17 MR. STEEVES: Thank you.

18 MR. BELL: I believe, sir, that  
19 Mr. Page has some additional remarks that he wanted  
20 to address, too.

21 WITNESS PAGE: Mr. Commissioner,  
22 I've been asked several questions over lunch in  
23 connection with some of the economics that I tried to  
24 get through very quickly this morning, and I've dealt  
25 with them, including some statistics in some consider-  
26 able length in the statement that I presented to the  
27 House of Commons Committee on Natural Resources in  
28 February, and I was wondering, sir, if it would be  
29 possible to file that with the Commission as a further  
30 flushing out of what I said this morning?



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Richardson, Page  
Re-Cross-Exam by Steeves

1 Secondly, sir, I was wanting  
2 to just comment very briefly on something that I had  
3 wanted to talk about this morning, and not had a chance  
4 to in connection with replying to one of the questions.  
5 Today in the north and in the south there is considerable  
6 controversy regarding some of the particular terminology  
7 that is used in declarations, and I in particular  
8 wanted to talk just for a moment about colonialism  
9 or imperialism, because the structure of Territorial  
10 Government, as it was originally designed in the 19th  
11 century in Canada was very much a product of our  
12 experience as part of the British Empire, and the type  
13 of structures of government then, <sup>that</sup> were originally designed  
14 for the Northwest Territories were a product of the  
15 belief in those structures which seemed possibly a  
16 little out of date today, but our Constitution today  
17 is still very largely a product of that era, and  
18 therefore in looking at the 1869-70 list of rights of  
19 Manitoba, and also the document from 1884 in connection  
20 with the Valley of the Saskatchewan, it's important,  
21 I think, to try to realize that they are then seeing  
22 the newly imposed or the imposed authority from  
23 Ottawa as a kind of colonialism, and that, I think,  
24 comes through very clearly in the documents, although  
25 they don't use the words, and I think our problem today,  
26 sir, is that we are now so far removed from our own  
27 struggle within Canada for responsible government and  
28 democratic institutions that we then tend to react with  
29 some emotion when the term "colonialism" comes along.  
30





Young, Jones, McCullum,  
Richardson, Page  
Re-Cross-Exam by Steeves

1  
2 I just raise this point because I think our people  
3 80 years ago or 100 years ago would probably have  
4 understood that much better and I think there are  
5 links then between some of those documents of the late  
6 19th century and some of the current discussion today.

7 MR. BELL: I think that con-  
8 cludes the evidence of this panel, sir.

9 THE COMMISSIONER: Well, thank  
10 you very much, Mr. Young, Mr. Jones, Dr. Page, Mr.  
11 McCullum, and Mr. Richardson. I know I speak for all  
12 of us when I say that we've benefited greatly from  
13 your examination of what has happened to the peoples  
14 of the north in recent years when northern development  
15 has occurred, and we appreciate too, Dr. Page, your  
16 reminding us of the impact that development had on the  
17 native peoples of the west when the C.P.R. was built  
18 in the last century, and I, speaking for myself, I  
19 think the kind of historical perspective you have  
20 offered us and the contemporary perspective that the  
21 other members of the panel have offered us is very  
22 useful in seeing that we avoid the mistakes of the  
23 past. So thank you all very much.

24 (WITNESSES ASIDE)

25 THE COMMISSIONER: Do you want  
26 to take a break while you assemble the next panel?

27 MR. BELL: That would be  
28 convenient, sir.

29 (PROCEEDINGS ADJOURNED FOR A FEW MINUTES)  
30



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(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. BELL: Mr. Commissioner,  
I'd like to introduce our next panel. It was originally  
our intention to call Mr. Asch, Mr. Ritter, and Mr.  
Rushforth to appear on this panel. However, we had  
to resist our impulse to set a new record for the number  
of witnesses on a panel and we decided to split it into  
two more manageable sections and this is the first section  
of our land use panel.

What I'd like to do is qualify  
Miss Nahanni and ask her to introduce the other members  
of the panel to you then. I believe you're acquainted  
with Miss Nahanni from previous hearings.

Perhaps if I could refer to  
Miss Nahanni as Phoebe as I've become used to over the  
last 18 months, it would make things a little more  
comfortable for everybody.

(LOUIS BLONDIN SWORN AS INTERPRETER)

PHOEBE NAHANNI, resumed  
BETTY MENICOCHÉ, resumed  
WILSON PELLISSEY, resumed  
FREDDY GREENLAND, resumed  
CHARLIE SNOWSHOE, sworn:

DIRECT EXAMINATION BY MR. BELL:

Q Phoebe, you are the  
Director of the Land-Use and Occupancy Research of the  
Indian Brotherhood of the Northwest Territories.

A That's correct.

Q You have B.A. in 1972 from  
the University of Western Ontario.

A Yes.

Q Following your graduation,



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1 you held various positions until you rejoined the  
2 Indian Brotherhood of the Northwest Territories in 1973  
3 where you attained your present position?  
4

5 A Yes.

6 Q You are overall responsible  
7 for the preparation of the land use research and the  
8 maps that we see displayed here.

9 A Yes.

10 Q Would you introduce the  
11 other members of the panel please?

12 THE COMMISSIONER: Before you  
13 do Miss Nahanni, maybe you could move the microphone just  
14 a little closer. You've got a very soft voice and I'm  
15 having a little trouble hearing you.

16 A O.K.?

17 THE COMMISSIONER: Fine.

18 A Starting from my right,  
19 Betty Menicoche is from Fort Simpson. She did one  
20 year of field work for us in the Mackenzie - Liard area  
21 and she'll tell you what she did after I present my  
22 paper. She's also had a number of other extensive  
23 experience in working with our people in the Mackenzie-  
24 Liard.

25 Next to her is Wilson Pellissey  
26 who is a trapper from Fort Wrigley and was born in 1910.  
27 He started trapping with his parents in 1919 when he  
28 was nine. At the age of 15, he had his own trapline  
29 and he's been a full-time trapper since and he was  
30 interviewed in Wrigley in April, 1974.





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Next to Wilson is Louis Elondin  
who is going to interpret for Wilson, and then there's  
Freddy Greenland from Aklavik, Chief of Aklavik. Fred  
has done some field work for us in the land use  
research and he has also has done many years of trapping,  
hunting and fishing out of Aklavik.

Next to Freddy is Charlie  
Snowshoe. He's 41. He's had 26 years of hunting and  
trapping experience and Charlie is from McPherson.

MR. BELL: Thank you. Can I  
ask you to proceed with your evidence please?

A Before I begin, Mr.  
Commissioner, I'd like to say that the Dene panel is  
very pleased to be here to show you the extent to which  
we use our land and the extent to which we understand  
it and we will try to explain to you in a way that many  
will understand and <sup>we</sup> will try our best to make it as  
clear as possible.

We are here to expound on a  
subject which to us is very ancient and enriching. That  
is our way of life. Our economy is based on hunting,  
trapping and fishing. Long before any non-Dene ever set  
foot on our land, our ancestors lived and learned from  
each other; from the land and other beings on the land;  
the animals, the birds, the insects. The mysteries of  
nature reveal themselves more and more to our experience  
on the land. Our way of life has been happening for a  
long time before any non-Dene ever set foot on this  
land and it is still happening today.

As you know, from generation



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As you know, from generation



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1 to generation our ancestors have passed on information  
2 by word of mouth through legends and by relating personal  
3 experiences. The intricate values of our way of life  
4 are most appreciated by those who speak our languages.  
5 To the non-Dene, such ways of recounting events may be  
6 subject to bias, error, misunderstanding, misinterpreta-  
7 tion and oblivion. Let me say that we Dene understand  
8 these shortcomings to be part of human nature. But,  
9 when many of us first learned how to read and write  
10 English, we were appalled by the shortsighted views held  
11 by the first non-Dene or white people who met our  
12 ancestors and by the kinds of things they wrote.

13  
14 In 1899, an Indian Affairs agent  
in reference to an Indian who was sentenced to death said:

15 "I have the honor to draw attention to the fact that  
16 the accused was from Great Slave Lake, a section of  
17 the country inhabited by Indians which is not yet  
18 in touch with civilization and that he can therefore  
19 hardly be regarded otherwise than as an untutored  
20 savage. I submit for your consideration the  
21 impossibility of judging only by white man's methods  
22 the conduct of a savage governed by superstitions  
23 whose habits are entirely opposed to those of  
24 civilization."

25  
26 Why were we being told to be-  
27 lieve such atrocious things about ourselves when we  
28 knew that they were false and insidious? Don't our  
29 parents know that we are being taught these ignorant  
30 descriptions about our ancestors and about us? We soon  
31 learned that it is because they are interpreting the





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1 viability of our system of knowledge according to the  
2 criteria which have been established for western  
3 society's academic system.

4 Our parents told us a white  
5 man's mind works that way. Linguists have demonstrated  
6 that no system of language is superior to another, although  
7 some may appear to be more complex than others. All  
8 are uniquely suited to the needs of the culture in which  
9 they evolve. In the same way, our oral tradition has  
10 evolved to preserve what is essential to the continued  
11 survival of our culture and way of life.

12 We understand that in white  
13 man's Court great regard is placed on precedent or  
14 stare decisis. We feel that the above description is an  
15 insult to our intelligence and although we know little  
16 about your laws, we trust that a more intelligent pre-  
17 cedent has taken its place. However, judging from public  
18 expression through newspaper articles and statements  
19 by government officials, we are still much the target  
of abuse for wanting to continue our way of life.

20 For example, on August the 11,  
21 1975, when the then Chief Frank T'Seleie said to you  
22 Mr. Commissioner that if the natural gas pipeline were  
23 to be built, that it would be as if his soul were to be  
24 stolen; that he was willing to lay down his life to save  
25 the lands for northern children yet unborn. One of  
26 Canada's most circulated newspapers from its oil capital,  
27 the "Calgary Herald", read his statement as, and I  
28 quote "meaningless hyperbole".





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The editors then continue with some meaningless hyperbole of their own in the following statement that is not only insensitive to the Dene position, but based on little more than wishful thinking:

"Evidence abounds in this part of the country that pipelines needn't be damaging to people or environment - especially covered pipelines, as a natural gas pipeline would be where conditions warranted. Even the way of life of northern people need not be affected greatly by the existence of a pipeline that doesn't require large concentrations of people for its operation."

Another example from the Fort Smith "Pilot", a paper in Fort Smith:

"For too long the native people of the north have been quite content to accept the white man's money in its various forms. They have been quite content to accept welfare, free medical care, free education, free, free, free - everything free without their making a very sizeable contribution.

Perhaps it is our fault for being overly generous, since I feel personally that respect cannot be bought or donated but must be earned...

In the north there is no lack of opportunity, there is no lack of education availability - right through to university - but there is a



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1  
2 lack of incentive and responsibility. The  
3 talk of going back to their old ways is not  
4 realistic since, by the skill and funds of  
5 the white man, they have managed to stay  
6 healthier, alive longer, and have food on  
7 their tables and money in their pockets,  
8 the land just could not support their present  
9 numbers quite apart from the fact that the  
10 N.W.T. has one of the highest birth rates  
11 in the world."

12 And finally,

13 "Native people, given the opportunity, will  
14 not trade warm rooms in government-heated  
15 homes and beef in the co-op store flown  
16 in on government planes for the discomfort  
17 of the igloo and cariboo guts for breakfast."

18 This editorial came from  
19 the "London Free Press", cannot be quoted in its  
20 entirety. My point should be evident to anyone who  
21 reads it, let me just say that besides its factual  
22 and statistical inaccuracy, it is a shining example  
23 of ignorant, ethnocentric and insensitive interpreta-  
24 tion of native culture by a white man.

25 We also know that there are  
26 other non-Dene preferring the reasoned approach who  
27 have succinctly described our way of life as perplexing,  
28 complicated and intricate. For example, in response to  
29 the Dene Declaration, the "Edmonton Journal" stated in  
30 an editorial:



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1 "The native people of the Canadian north are  
2 now faced with the same kind of social and  
3 economic pressures that dismembered and  
4 emasculated native cultures south of the  
5 60th Parallel.

6 What they are saying in their plea for  
7 national recognition is that history should  
8 not be permitted to repeat itself with the  
9 same disastrous consequences for a minority  
10 group which is paradoxically the majority of  
11 the Northwest Territories.

12 They are asking that Canadian society recognize  
13 that special circumstances trigger special  
14 needs with respect to the preservation of  
15 cultural integrity.

16 They are asking a reasonable degree of self-  
17 determination in a territory where they are the  
18 majority, and they are asking that the govern-  
19 ment negotiate with them as a national group  
20 in the particular context of the bargaining  
21 for a just and equitable settlement of native  
22 claims.

23 Considered in that light, their proposals  
24 for a new structure of government in the north  
25 are ambitious, but they are certainly reasonable  
26 suggestions in a democratic society."

27 We feel that the first set of  
28 remarks are unjust and slanderous and in response we  
29 are taking the time to try and set things straight.  
30 We are doing this because the white people are trying





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1 to change our way of life which they do not understand.  
2 If they did understand they would see that it is a good  
3 way of life and they would not be so destructive.

4 Our people have withstood  
5 many seasons and many cycles. We consider our way of  
6 life to be the most practical for the climate and the  
7 environment we live in. Our songs, dances, games and  
8 legends are expressions and reflections of it. Here  
9 are some views of some trappers who were interviewed  
10 over the last 2-3 years.

11 Willie MacDonald from Fort McPherson, January 13, 1975,  
12 age 65:

13 "But wherever we go in the bush, we always  
14 see old signs from long ago. We see old  
15 deadfall places and all this. We know that  
16 long before us this country been used lots  
17 and long before that. People still using it.  
18 I mean the people that were brought up to the  
19 life of trapping and hunting. We belong to it,  
20 we belong to the land and we look at it  
21 like that land is our mother. That's where we're  
22 born and that's where we're going to go back.  
23 We're going to be part of this land when we  
24 die. There is no way we're going to leave it.  
25 That's why we think of this land. What else do  
26 we have? Just land, land is our bank, it's  
27 our living, it's our everything. Everything  
28 we got is land. What we depend on next  
29 year coming is depending on this land. The  
30 land is the most precious thing we got."



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And from Alexis Potfighter,  
Detah, September 15, 1974, age 76:

"The wild food gives us strength and faith,  
as far as it goes, for the whole Indian  
people. They gave us faith and strength  
to do anything... Talking about land, we're  
asking for the land to live on, to do things,  
like we're doing now, trapping. The land that  
we depend on must not stop. For we trap,  
hunt and fish on the land that is ours. This  
is why our great ancestors handed to us to  
protect it from any damage in our land."

Louis Moosenose from Lac La  
Martre, September 24, 1974, age 50:

"This land was given to us to make our living  
for food, clothing and income...The land was  
given to us to look after it and the land was  
supposed to be protected. The land, the  
water and the animals are here for us to make  
living on it, and it's not to play with."

And from Amen Tailbone,  
Rae Lakes, September 30, 1974, age 60:

"The animals is our food, the land is our  
everything and the water is our drink, so the  
land is ours to keep as long as the sun is  
shining. The game warden should not give  
hunting licences to their friends because  
they do not kill animals for food, they kill  
animals for sports. The land, the water, and



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1  
2 animals are not here to play with. It is given  
3 to us to look after and protect it from enemies  
4 like white people. The white people are up to  
5 destroy everything they see, and the land is the  
6 only thing that we depend on it for everything,  
7 and it is not for sale."

8 And still our way of life is  
9 being questioned in the way the white people want to  
10 understand it - land is property and separate from  
11 us. Sometimes we think we will be understood and  
12 have some optimism. Our elected people on March 24,  
13 1973 have taken our views before the white man's Court  
14 and stated their ownership of 450,000 square miles  
15 of land.

16 We understand that it was  
17 decided by the N.W.T. Court of Appeals which is the  
18 Alberta Court of Appeals, that we could not register  
19 a claim on unpatented or unsurveyed land.

20 We now have asked to appear  
21 before the Supreme Court of Canada to appeal our case.

22 Over the years we have  
23 observed the changes, the limitations placed on our  
24 freedom (to be boss of ourselves) by the white peoples'  
25 government, the white peoples' laws, and the white  
26 peoples' teachings. We did not write the laws that  
27 govern us and those that affect our way of life, such  
28 as the Migratory Birds Convention Act, the Indian Act,  
29 the Territorial Land Use Regulations, the Game Ordinances,  
30 etc., and our silence in the past does not mean consent.



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1  
2 We are participating in the white man's system not  
3 because we accept it but because we have no choice.  
4 We regard our participation as being temporary until  
5 such time as our right to choose our own institutions  
6 is recognized.

7 There are debates all over  
8 Canada between the Indians and white people over many  
9 things. When we see that the present white insitutions  
10 do not even suit many white people, we hope that will  
11 demonstrate the inability of these institutions to  
12 meet our needs. In many important respects our position  
13 in Canada today is a magnification of the experience  
14 of a vast number of Canadians. In spite of our  
15 obvious exclusion from the market economy, we continue  
16 to be subject to policies and programs which assume our  
17 participation. Those who are excluded by the market  
18 are paradoxically blamed for its inability to meet their  
19 needs. Hence, instead of the needed re-allocation of  
20 economic and political power to the excluded, resources  
21 are reallocated to a responsible bureaucracy which  
22 then controls and administers them instead of the  
23 intended recipients. Such has been our experience,  
24 and as the economy becomes more concentrated and less  
25 democratic (that is less responsible to expressed  
26 social needs) in its determination of resource alloca-  
27 tion such is the experience of a growing proportion of  
28 Canadians.

29 Not only does the bureaucracy  
30 serve a political elite whose power base depends on the





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1 continuing inequities of the economy, but it has a  
2 mind and a tremendous power of its own. Social change  
3 is becoming more difficult to effect rather than less  
4 difficult, since the essence of bureaucratic development  
5 is to give a wider group of people a vested interest  
6 in the status quo. Every social problem has its para-  
7 sitic bureaucratic constituency. Without Indian  
8 problems, where would the experts of DIAND seek  
9 employment? What would become of their salaries?  
10 (\$70,066,000 in 1975-76), and their consultants  
11 (\$93,091,000 in 1975-76). Instead of solving the pro-  
12 blems it was designed to alleviate, the bureaucracy  
13 gives them added dimension while at the same time  
14 providing a protective front for the flourishing  
15 causal forces.

16  
17 (LOUIS RIEL'S PETITION OF RIGHTS, 1884,  
18 & LIST OF RIGHTS, 1870, MARKED EXHIBIT 601)  
19 ("THE MACKENZIE VALLEY PIPELINE & CANADIAN  
20 PRIORITIES" BY R. PAGE, FEBRUARY 5, 1976  
21 MARKED EXHIBIT 602)

22 (QUALIFICATIONS & EVIDENCE OF P. NAHANNI,  
23 WILSON PELLISSEY, F. GREENLAND, B. MENICOCHÉ,  
24 C. SNOWSHOE MARKED EXHIBIT 603)  
25  
26  
27  
28  
29  
30



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The bureaucracy in turn spawns its own constituency of parasitic enterprises and nowhere is this more obvious than in the bureaucratic capitals of Canada such as Ottawa and Yellowknife. Where bureaucratic populations are not simply functionally, but also politically significant quantities, those with negligible political and economic power are worse off than ever before. This is the situation of our people, us Dene in the north. It is a situation which we share with other poor people and oppressed minorities throughout the country but here it is all the more outrageous since we Dene and Inuit are in the majority in the N.W.T.

While common experiences tie us to certain groups within Canadian society at large, many of our major problems stem directly from white people's ignorance of our differences. We believe a healthy society is not where we pretend such differences do not exist, but one which recognizes and appreciates these differences and their contribution to the future development of society in general.

A society as wealthy as Canada which continues to perpetuate and even compound the miseries of certain of its professed members, is a sick society. It should be recognized that what potential contribution or efforts have to offer is offered with the intention of making it well.

I would like to elaborate a bit on our culture by first defining how I'm using it and directing my ensuing statements in regards to it to the white people's institutions.



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In our culture, emphasis is placed on the relative importance of human beings, lands, and environment and animals and birds. Without the land and environment and the animals and birds, we could not survive. This realization was not derived from nowhere. It was derived from years of experience and adaptation. The land and the animals cannot continue to live and survive without our understanding and respect.

This creation was neither produced from our intelligence nor our hands. We are part of it. So are all animals, birds, fish and insects. We all inhabit this environment and ultimately, this planet. Therefore, this realization is encouraged amongst us to ensure in the long run a continuation of resources.

When a human being occupies a space in the environment, his behaviour can be destructive or complementary to that space. The former has been more evident since the white man moved on our land. It is not only an observation, it is fact.

We understand that changes occur in human beings, environment and in animals. These changes evolve in growth, seasons and movement and we are continually learning from this evolution through our experiences from our way of life. Our way of life has been tested over hundreds of years, it makes a lot of sense to us and we like to return to the land again and again and we want our children to have the option to experience the same things.





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Unfortunately the relativity of cultural concepts has rarely been understood by many whites and this ignorance is inherent in colonialism. White people's institutions have developed to the point where they cannot afford to recognize differences. Paradoxically, it is the importance of acceptance of differences so integral to our culture which has made us so vulnerable. YOU, in effect, put away those who do not "fit" you; your old people, your deviant personalities, while we have found room for all but those who threaten our physical survival.

As for your economy and your bureaucracy, we asked for neither, but they both rule our lives because they cannot make room for our right to decide for ourselves. The question of whether or not we wish to reject them has become academic but you have not given us the means to cope with them. Our choices in this respect have been severely limited by your institutions and we have dealt with them chiefly by ignoring or avoiding them. Unfortunately, to choose to participate in a game whose rules we have played no part in deciding is to submit to uncomfortable, meaningless situations but, our participation is temporary and in times of hope it appears more than the situation non-participation affords us. We are forced to live with illusive values.

A glance at your own history shows that when your evolution demanded the loss of certain rights on the part of particular interests, for the perceived good of society at large, you have



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compensated these interest generously. However, because you have never recognized us as full citizens, nor given any credence to the value we place on our way of life and the land so important to it, you have never taken us seriously. An example of your generosity which we are aware of on a day-to-day basis is that of the Hudson's Bay Company.

To begin with, that company was illegitimately given a monopoly of trade and exploitation over our land in return for a pittance. For years, the company thrived on the economic surplus attributable almost entirely to the efforts of the native<sup>people</sup> themselves. It was our way of life that was disrupted and it was our land that provided the economic base for the wealth of the Hudson's Bay Company. But when Canada required the west for expansion, it was incredibly the Hudson's Bay Company that received compensation and exceedingly generous it was too. The cash settlement and lands about the company's post were a considerable endowment but it was the vast land grant on the prairies that provided the security for the subsequent success and fortune of the Bay.

The land was partly sold to settlers and partly exploited for its oil and mineral wealth.

Why have our interests been neglected? Why, today, are the interests of the large corporations still receiving priority attention while we shout to be heard? How is it that oil and mineral leases have been signed without our being consulted?



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We now realize that the Government of Canada is not a great deal freer than we are to act in the best interest of the Canadian society. We know that one reason for the lack of resources for the purposes of the Dene is the inordinate power over resource allocation in our economy wielded by "private governments." Apparently economic power is the most important and relevant form of political power as well.

It is vital to us to achieve a degree of economic independence if we are ever to experience political independence and it is partly to this end that our land use research is directed.

For a year and half, the Indian Brotherhood of the Northwest Territories was involved in negotiating a proposal and budget with the Department of Indian Affairs and Northern Development to document data on traditional land use. At the time, it was clear that no agency, government or private, was planning to undertake such a study. We knew that anthropologists and white researchers had previously attempted to integrate a study of our land-based activities into their theses, but our community leaders and community people expressed their dislike of the invasion of their privacy by outsiders who didn't speak their language.

We know from our past experiences that government research by white researchers has never improved our lives. Usually, white researches spy on us, the things that we do, how we do them, when we do them and so on. After all these things are written in



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their jargon, they go away and neither they nor their reports are ever seen again.

We have observed this and the Indian Brotherhood of the Northwest Territories resolved to try its best to see that in the future, research involves the Dene from beginning to end.

When an agreement was reached between DIAND and the Indian Brotherhood, of the N.W.T., to go ahead with the Land Use and Occupancy Research, the government insisted that we use qualified experts to give the research a professional quality. We accepted this condition as being part of your ways and we complied with it. Whenever it was necessary to use the expertise of white researchers, they worked only as consultants and always under the direction of the Dene.

The objective of this research project were, and I'll list them:

1. To form an information base upon which a just settlement of our grievances and land claims may be built, with an eye to securing our continuing benefit from the use of our land.

2. To provide a medium for re-establishing the bond between our young and their past a bond essential to our future independence as Canadian citizens.





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1 3. To provide us with material essential to us in  
2 deciding any action to be undertaken by us, in the  
3 event of a fair settlement, to improve our lot as we  
4 see fit.

5 4. To provide the people of Canada with a record of  
6 land use and occupancy in the Northwest Territories  
7 by people of Dene descent, from the distant past down  
8 to the present.

9 5. To provide the people of Canada with an understand-  
10 -ing of the importance of our land to the integrity of  
11 our culture, our identity, our present way of life, and  
12 to our future hopes.

13 6. To convey to the people of Canada the destruction  
14 inflicted on our civilization by the ethnocentric  
15 ignorance of the white man.

16 7. To give a truer appreciation of the costs of  
17 the present path of development the white man has chosen  
18 in the north in terms of the Dene as a people with a  
19 right to survival as a people, and with a right to  
20 control and direct the changes the present and future  
21 force on them.

22 8. To give us an opportunity to present once again  
23 without the confusion of middlemen, and in accordance  
24 with our own aims, the Dene experience and the point  
25 of view as only we can present it.

26 The primary assumption under-  
27 lying the objectives was and is that by far the great-  
28 est proportion of the expertise required to carry out  
29 this research and to articulate and express the needs  
30 and aspirations of the northern Dene is to be found in



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1 the Dene community itself. As a people with little  
2 room for choice, we know how our responses have been  
3 structured by the white institutions we must deal  
4 with, and by those who are not of us but profess to  
5 work in our interests. Not only was the decision to  
6 employ outside experts scrutinized carefully, but  
7 such experts had to be prepared to work under our  
8 direction in a manner rarely evidenced with professional  
9 researchers. It was and is our objectives, not theirs,  
10 which must be served.

11 An important implication of  
12 this approach is that the value of the research exper-  
13 ience to those most directly affected by the outcome  
14 of any settlement of outstanding claims will not be  
15 lost to some group of consultants from the south. Quite  
16 apart from the value of the ultimate product of this  
17 research project, equally vital was the potential of the  
18 research experience in informing and promoting discuss-  
19 ion amongst our people concerning our past and possible  
20 future paths of development.

21 While the objectives above  
22 are of primary importance, it is recognized that any  
23 appeal for a just settlement of grievances must be  
24 made in the white man's tongue, as it were. Hence there  
25 was a need for those well practiced in the art to  
26 translate our findings into terms likely to be under-  
27 stood and recognized by those in a position to accept  
28 or reject our appeals. Such externally recognized  
29 experts were called upon when necessary to advise on  
30 methodology and in orientation. They were also required



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1 to undertake certain technical efforts entirely, such  
2 as the draftsmen employed.

3 We carried out field work  
4 ourselves and utilized the advice of relevant special-  
5 ists when necessary, and employed material already  
6 collected and compiled by the government, for example,  
7 Fish & Wildlife Service of the Natural and Cultural  
8 Affairs Department of the N.W.T. Government, and in  
9 particular the Trapline Management and Regulations,  
10 there were research papers on Game Branch statistics  
11 as well.

12 In compliance with our objec-  
13 tives, our main information source has been and is  
14 still essentially from the hunters and trappers them-  
15 selves.

16 The initial step in implement-  
17 ing our objectives required us to agree on a methodology.  
18 In early December, 1973, the Indian Brotherhood of the  
19 Northwest Territories began recruiting research  
20 field workers. The applicants had to be fluent in their  
21 own Dene language; as well we asked if they could read  
22 and write English; if they couldn't they were not  
23 rejected for it.

24 In January, 1974, we held a  
25 training workshop in Fort Simpson with the eight  
26 recruited research field workers. This was to familiar-  
27 ize field workers with each other, to explain the  
28 objectives, purpose and context of the project, and  
29 to enable the resource people (experts) to discuss  
30 techniques that could be used in collecting and





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1  
2 arranging their findings.

3 Our intention was to interview  
4 Dene hunters and trappers in the following communities:

5 In the Delta Region: Aklavik, Inuvik, McPherson  
6 and Arctic Red.

7 In the North Mackenzie: Fort Good Hope, Colville  
8 Lake, Fort Franklin and Fort Norman.

9 In the Mackenzie-Liard: Fort Wrigley, Fort  
10 Simpson, Jean-Marie, Fort Liard, Nahanni Butte, Trout  
11 Lake, Fort Providence, Kakisa, Hay River.

12 In the North Slave: Rae, Edzo, Lac La Martre  
13 (that includes Marian Lake and Snare Lake) Rae Lakes,  
14 Yellowknife and Detah.

15 In the South Slave: Resolution, Fort Smith  
16 and Snowdrift.

17 The agreement with DIAND,  
18 which I mentioned earlier, covering the terms of the  
19 project and permitting funding was signed on May 24,  
20 1974. It was a commitment from DIAND to fund the  
21 research for 1974-75, and 1975-76. Two years of re-  
22 search on a subject as old and continuous as our land-  
23 based renewable resource economy (hunting, trapping  
24 and fishing) could not possibly produce an exhaustive  
25 study. We therefore decided to work within the time  
26 constraints by obtaining a 1/3 sample or approximately  
27 30% of the total number of trappers in each of the above  
28 communities. Those trappers 30 years of age and over  
29 we considered would be best to provide us with sub-  
30 stantial experience from and information on our economy.  
There are some exceptions to this, of course, judging



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1 from traplines covered by some hunters and trappers  
2 younger than 30 years of age.

3  
4 To show the extent of land  
5 use and occupancy, we had to gather the following  
6 information: A representation on maps of all the  
7 lands we have occupied and used for as long as we can  
8 remember, and right to the present; and of how we use  
9 the land, what the land means to us as a people, at  
10 present.

11 We listed several questions  
12 that would help us meet the above goal:

13 1. When did you first begin to trap alone?

14 These are generally the  
15 questions that the field workers asked of the informant.

16 2. Where did you trap? If you moved to other  
17 areas, why? What did you hunt and trap? Where did  
18 you fish? Where did you set up camps? What kind of  
19 camps? Do you go to this camp every year?

20 3. How much does land mean to you? What are your  
21 views on land?

22 The response we received  
23 from the interviews were recorded in writing in map  
24 biography or informant sheets and/or from tapes to  
25 be transcribed. The collection of interviews is  
26 almost complete. A total of 396 men have been inter-  
27 viewed to date.

28 We would use topographical maps  
29 at the scale of 1 to 500,000 and/or 1 to 250,000 and  
30 delineate the travel routes and traplines using colored  
pencils (one color for each trapper). We designed a



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1 map code for the subsistence animals hunted, the fur-  
2 bearing animals trapped, the season travelled and  
3 method or mode of travel.  
4

5 I have three overlays here  
6 showing the map. You may not be able to see the map  
7 codes from the distance you are at, so if you wanted  
8 to have a look at the map closely after the presenta-  
9 tion -- I also have an example of what an original  
10 map looks like, if you want to look at it.

11 The month following this  
12 workshop (mid-February to mid-March 1974) was a familiar-  
13 ization period during which the field workers visited  
14 homes explaining the nature of their tasks, developing  
15 community maps and testing some of the approaches  
16 developed in the first training workshop. Each field  
17 worker attempted to interview a small number of infor-  
18 mants concerning general land-use patterns of family  
19 groups as opposed to individual trappers.

20 A second training workshop  
21 was held in Fort Norman for a period of two weeks at  
22 the end of March 1974. An initial 4-day shared ass-  
23 essment of the field worker's first month was held in  
24 conjunction with field workers from the Band  
25 Development Program before the research field workers  
26 began a week and a half long trial run of the land use  
27 survey. An objective of approximately 30% coverage of  
28 active trappers in the community was set and met.  
29 Lifetime biographies of each individual's activity  
30 pattern on traditional land use were compiled. This





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trial run provided the necessary test of the research methodology and provided the field workers with tangible results of a most encouraging nature.

The kinds of traditional land use are the following:

1. Subsistence hunting - which is carried out all seasons from the trappers camps, for example moose hunting.
2. Seasonal hunting - for example, caribou hunting.
3. Part-time hunting - this can be done all seasons from a community.
4. Spring hunting and trapping - this occurs at the end of March to the 1st of April right to the end of May, and it's usually for beaver and muskrats.
5. Winter trapping - begins, usually a trapper goes to his fish camp around September and fishes until October-November, when he starts trapping, right till February-March for fur-bearing animals.
6. Fishing - can occur all seasons.
7. Fishing - can occur only in spring and summer at fish camps.





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During the course of the research the fieldworkers had been collecting data in their respective regions with an initial target of approximately 30 percent coverage of the active trappers over 30 years of age. Depending on availability and preference, maps either at the one to 500,000 scale which is the scale that is on the wall here or 8 miles to an inch or one to 250,000 which is four miles to an inch, scales were used to depict personal data from the trappers, including Dene place names. In all cases, it was necessary to identify certain Dene place names before interviewing. These place names were verified throughout the interviews. The map code that was designed and accepted for use is on the attached sheet. It's on the paper that I'm submitting.

The data on the original maps were collated by community. In other words, one set of collated maps consists of all the interviews completed for one community. Some of these maps collated maps exceed the required quota, indicating land use patterns for more than one third of the hunters and trappers in the area, such as we've collect more than one-third in Wrigley and in Franklin and, I believe, McPherson.

We chose three major codes for the collated maps: travel routes, and trails and trap-lines; camp and living sites; and subsistence and fur-bearing animals. These are the three major codes that we have on the overlay.

The travel routes on the collated map accentuates the degree of use and importance



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1 of certain roads over time and space. This means that  
2 the range of percentages of the route codes, (1) less  
3 than 25 percent of the sample, (2) 25 to 49 percent of  
4 the sample and (3) 50 percent or more of the sample  
5 shows the importance placed on them by each community  
6 sample throughout their lifetime to the present.

7  
8 Closely related to the trails,  
9 traplines, and travel routes are the living and camp-  
10 sites.

11 The spatial representation  
12 of subsistence and fur-bearing animals indicates the  
13 approximate site or general area where the specific animal  
14 were hunted or trapped all seasons throughout the  
15 trappers' lifetime to the present. In other words,  
16 when you look at the map and you see a code of a marten  
17 or a lynx or a wolverine in that particular spot, it  
18 doesn't necessarily mean that the wolverine was trapped  
19 there but it was around or approximately <sup>in</sup> that area.

20 Finally, the interviews for  
21 one community are collated on the one to 500,000 or the  
22 250,000 scale maps and these maps are returned to the  
23 communities to be verified.

24 A composite map, which is the  
25 one that's on the wall, -- a composite map consists  
26 of all the drafted collated maps at the present. It  
27 projects the same codes as on the collated maps. I would  
28 like to point out that the range of percentages of  
29 route codes is consistent throughout the composite map  
30 despite the differences in the sample figures. This  
31 is because the percentages of importance and emphasis



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1 placed on certain routes by each community is equal.

2 In other words, McPherson, for example we've interviewed  
3 about 34 people and in Aklavik, 19 people were inter-  
4 viewed even though the sample number was different.

5 The route codes were the same because the people in  
6 Aklavik place importance on certain routes which are  
7 equally also important for -- certain are also equally  
8 important for McPherson people so the route codes are  
9 consistent throughout the Mackenzie District.

10 The greatest frustration we en-  
11 countered in data collection, predictably, was the  
12 difficulty of locating the men we wished to interview.  
13 Much of the time they were in the bush trapping and were  
14 inaccessible to our researchers. This minor frustration  
15 was, of course far outweighed by the positive aspects.  
16 The men's absence was additional empirical proof of  
17 the widespread continued use of the land that we had set  
18 out to document.

19 Another limitation we encountered  
20 was that it was simply impossible for every trapper inter-  
21 viewed to supply us with complete information on all his  
22 land use activities throughout the years. There were  
23 various reasons for this. Researchers couldn't spend  
24 as much time with each individual as would have been  
25 optimum or informants grew too tired to continue an  
26 interview before they could impart the wealth of  
27 information that they possess to the interviewer.

28 If there is any inadequacy  
29 in our research, therefore, it is that we have only  
30 been able to present a very sketchy outline of the





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1 continuing land use patterns of only approximately one-  
2 third of the men who are currently involved in hunting,  
3 fishing and trapping. When looking at the maps, this  
4 map, you must keep in mind that even if you multiply  
5 in your imagination to three times the number<sup>of</sup> lines and  
6 routes indicated here, this still represents only a  
7 very minimal presentation of the extent of use and  
8 occupancy of land -- of Dene lands -- by the Dene as  
9 it occurs today.

10 We regret that we are unable  
11 to provide you with a final comprehensive report and  
12 finalized set of maps at this time. However, one  
13 important conclusion that will be included in the final  
14 report should be brought out here, that our research  
15 indicates that there are approximately 1,075 men actively  
16 engaged in hunting and trapping at the present time.

17 We are currently in the process  
18 of taking the finished maps back to the communities to  
19 be thoroughly checked by all the trappers one last time  
20 to ensure that no significant areas of land use have  
21 not been indicated. The final written report will not  
22 be completed until this process is finished and we  
23 would like to enter a final report and maps at a later  
24 date.

25 Now, I'd like to state the  
26 implications of our findings for the socio-economic  
27 evidence prepared by the applicants. We believe that  
28 the socio-economic evidence prepared by the applicants was  
29 based on inadequate research and the lack of relevant  
30 data and that the majority of their conclusions cannot



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be substantiated. Furthermore, the results of our research directly contradict a great many of the conclusions contained in the following studies:

- Section 14-C, Canadian Arctic Gas Pipelines Limited application
- "Communities of the Mackenzie" prepared by the Van Ginkel Associates Limited
- Gemini North Limited
- Part 5, Public Interest; Section C - Socio-Economic statement, Foothills Pipelines Limited.

I will cite a few specific cases chosen from the many possible examples to illustrate the inadequacies of the applicants' data. I believe this will suffice to prove my point.

From page four, Section 14-C,  
Arctic Gas application:

"The applicant is aware that for many northern residents and particularly native people, the type and extent of economic development thus far experienced in the territorial north has brought relatively limited measureable or on-going benefit."

It is evident from this remark that the applicant is either seriously misinformed or does not believe that traditional economic activity merits the term "economic development". The Dene are used to this colonial assumption but are not prepared to accept it.

The applicant has described rather than explained various aspects of disruption the Dene and Inuit have experienced since



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1 contact with whites.

2  
3 The explanation for many changes  
4 is not that they are inevitable or God-given as the Van  
5 Ginkel study for Arctic Gas implies, but that they were  
6 imposed on us willfully by those who devalued the way we  
7 lived in relation to their own ways.

8 We have never pretended that  
9 the only future for is is the return to the past in the  
10 sense of all Dene living off the land. Nevertheless,  
11 our evidence clearly shows that if support were given to  
12 land-based activities, comparable to the public support  
13 given to other sectors of the economy and to the  
14 oil industry for example, there are many Dene who would  
15 continue to use the land as our maps clearly indicated  
16 they have used it.

17 I object, therefore, to the  
18 suggestion that economic development does not include  
19 activities which have supported us well in the past,  
20 still do today and will if given proper recognition  
21 in the future.



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From page 4, Section 14-C,

Arctic Gas application:

"...the movement from isolated hunting camps to an employment way of life in larger settlements dominated by non-natives ... confirmed for an increasing number of native northerners, the end of one lifestyle and the beginning of another.

Implicit in this fundamental locational and socio-economic change was that there could be no reversion to the self-sufficient economy of the past; the economy of the north would have to continue to grow on the basis of the economic development of the natural resources of the region, the social environment would have to make the relevant adaptations."

I would like to stress that the suggestion that our social environment will simply have to adapt to externally determined forms of economic development is not either correct or acceptable to the Dene. We do not see why our recent colonial experience is the necessary pattern for the future. In fact, we seek to establish economic activities consistent with our social environment, and not the reverse. What the applicant calls "relevant adaptations" I fear are what we would call cultural genocide and social disruption. The sort of reasoning implicit in this quotation is typical of colonialism and to us provides further argument why we must have our rights recognized before this colonial type of thinking





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1 further disrupts our social environment.

2 I would like to be so bold  
3 as to argue that the oil companies would find it easier  
4 to make the relevant adaptations to the reality of the  
5 existence of a Dene nation whose right to exist (and  
6 change) on its own terms is the highest priority.

7 From page 6, Section 14-C,  
8 Arctic Gas application:

9 "...the attitudes in the study region would  
10 appear to parallel those found in any commun-  
11 ity that has undergone partial change and now  
12 faces the prospect of an acceleration of the  
13 pace of change."

14 Once again, this kind of  
15 simplistic comparison ignores what the Dene have said  
16 over and over again in the community hearings - "We  
17 are not objecting to change, but to the threat posed  
18 to our survival as a distinct people, a nation, by the  
19 proposed pipeline."

20 From SC-44, Section 4.3 of  
21 Foothills Pipe Lines Ltd. application:

22 "...a situation exists whereby all employable  
23 northerners within the impact area will have  
24 pipeline employment if it is their desire.

25 Indications are that the majority will choose  
26 pipeline employment, leaving very little time  
27 and manpower for traditional pursuits.

28 The low entrance rate of young natives into  
29 traditional pursuits combined with progressive  
30 withdrawal of older trappers will result in a



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lower number of people engaged in trapping.  
Skill acquisition vital to continued activity  
in this sector will also be impaired."

And from page 6 to 7,  
Section 14-C of the Arctic Gas application:

"The applicant believes that its observation  
is correct that most younger people are not  
interested in attempting to earn a living  
through practicing the traditional pursuits  
even though they respond to their traditions  
and practice them at times avocationally.  
But as to occupation, they are more interested  
in education and training that enable them to  
enter the wage economy.  
...the commitment of the younger people to  
the life in the settlement is less marked  
than that of the older people..."

While our evidence and that  
given in the community hearings would refute the sugges-  
tion that younger people are rejecting the land-based  
economy, I would like to point out that we have been  
scarred by several decades of colonial experience.  
What the applicants point to as signs of autonomous  
change among the Dene are as often the symptoms of  
alienation, the results of colonial interference, not  
an indication of free choice. In reality a generation  
of our people are still experiencing the trauma of  
suddenly being taken from a stable way of life into an  
alien education system which only provided them with



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Grade 2 to Grade 9 education with no guarantee of sufficient wage employment.

There is also a generation who see the values of our way of life who have chosen to work on the land settlement (through Band Councils, Metis locals and Dene organizations and other community projects for the Dene), because of its long-term benefits to our way of life.

Our land settlement must allow us to re-establish control over education in order to bring to a halt this kind of alienation. I am not arguing that all young Dene will choose to pursue land-based activities, but there will not be the sanctions against such a choice, such as exist under a colonial educational system. Furthermore, a proper level of support to the trapping industry would undoubtedly result in more young people planning a future in that area.

From page 17, Section 14-C,  
Arctic Gas application:

"A survey made in 1972 revealed that only 96 out of a study region population of 23,600 and a male working age population of 7,830 were engaged in full-time and regular part-time trapping."

The same applicant states on page 19 of Section 14-F on "Northerner Training Program", March, 1974, that:

"Of the Western Arctic population (on a line





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1  
2 from Fort Smith to Pond Inlet inclusive) native  
3 male population in this area living off the  
4 land is 58."

5 The study by Van Ginkel  
6 Associates Ltd. states the following, on page 3 :

7 "Hunting and trapping provides the major  
8 source of income for relatively few persons.  
9 The Gemini North Limited survey made in  
10 1972 estimated that a total of 84 persons  
11 were engaged in full-time or regular part-  
12 time trapping."

13 Foothills Pipe Lines in its  
14 submission, relies on the Gemini North study and states  
15 that there are 94 trappers in the impact area. Finally  
16 on page 34 of the Van Ginkel study it states that:

17 "The arbitrary assumption is made that the  
18 present employment of 84 persons involved in  
19 full-time in hunting and trapping will increase  
20 to 100 by 1985."

21 I am not entirely certain  
22 what the applicants sought to prove by this assertion,  
23 but I can assure you that the suggestion that there  
24 are only 96 (or 58 or 84 or 94) active trappers and  
25 possibly 100 by 1985, in the study region appears  
26 ludicrous to any Dene. It is especially ludicrous  
27 when compared to the figure of 1,075 trappers which our  
28 data indicates. I am quite sure that if the applicants  
29 had a proper appreciation of the Dene nation and its  
30 relationship to the land, the pointlessness of these



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1 statistics become apparent. It is also clearly  
2 questionable to draw one's conclusions about the  
3 direction in which Dene society is moving from the  
4 colonial experience of the last 30 years or so when we  
5 are talking of a civilization based on thousands of  
6 years of land-based existence.

7                               Once again, what the  
8 applicants point to as a sign of progressive change is  
9 viewed by the Dene in the context of our own history  
10 as an indication that we must regain our rightful  
11 control over our land and our destiny. Imposed change  
12 can never provide an argument for further imposition.

13                           THE COMMISSIONER: If you want  
14 to stop for a few minutes, just let me know. You have  
15 our full attention, I know, and if you'd like to take  
16 a break for a few minutes, that's fine with me.

17                           A       I think I would. I'd  
18 like to break for a while.

19                           THE COMMISSIONER: All right.  
20 We'll break for a few minutes then.

21                           (PROCEEDINGS ADJOURNED FOR A FEW MINUTES)  
22  
23  
24  
25  
26  
27  
28  
29  
30



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(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

THE COMMISSIONER: Let's come to order again, ladies and gentlemen, and we'll just wait a moment for the buzz to die down.

Well, let's begin again, shall we, and we can just give our full attention again to Miss Nahanni.

A To continue with the implications of our findings, there was socio-economic evidence prepared by the applicant, I would like to quote from page 17, Section 14-C, Arctic Gas application:

"As discussed, the value of fur, fish and game harvested is a small proportion of the total income in the study region. This is not likely to alter over the study period. At the same time, the aggregated figures conceal the fact that the traditional pursuits continue to be relatively important in terms of income in the smaller communities and that traditional activities as a reversion to a lifestyle or simply for recreation are apparently of increasing importance to the people in the study region."

And from the Foothills' application:

"It is expected that the decline in the number of full-time trappers will be offset by an increase in the number of part-time trappers... The recreational and leisurely nature of this pursuit could well be a factor in attracting



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1  
2 native northerners into this sector. The  
3 beneficial aspects of trapping for two or  
4 three days a month, minus the risks and un-  
5 certainties cannot be discounted, especially  
6 when supplemented by wages and assurance of  
7 continued employment."

8 I find these statements  
9 ambiguous and lacking in perception. To imply that  
10 hunting and trapping activities are "simply for  
11 recreation.." indicates that we do them for sport, and  
12 frankly I find this notion lacking in comprehension and  
13 appreciation that we have great respect for the animals  
14 we hunt and trap.

15 I am sure I do not need to  
16 emphasize again the obvious fact that no kind of  
17 quantification can convey a correct appreciation of our  
18 way of life. When the electricity fails in Yellowknife  
19 the whites raise the alarm but the Dene are unaffected.  
20 Our incomes form a small proportion of the total income  
21 of the N.W.T. but that is as much an indication that  
22 we wish to remain a distinct people and are not pre-  
23 pared to compromise our existence for a larger proportion  
24 of total income. As some of our other evidence will  
25 show, when you remove the influence of bureaucratic  
26 and mining industry incomes, land-based activity of  
27 the Dene assumes the major proportion of Dene income.  
28 That is the relevant comparison, if any.

29 From page 31, Section 14-C,  
30 Arctic Gas application:





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"The construction and operation of the pipeline can be expected to be essentially neutral in terms of its impact on game, fur and fish, and the ability of the northerners to harvest these resources."

This assertion would be laughable if it were not so potentially disastrous. It is either the statement of the blind and ignorant, or it is a lie to which any Dene can attest. If my evidence along with that of the hundreds of Dene who have spoken out in the community hearings has not made it clear, then we are lost. I find it very difficult to believe that such an obviously false conclusion could have been placed on the record in good faith. Such a contention breeds a well-justified mistrust of the oil industry on the part of the Dene.

On the same page, the applicant states:

"Any potential that exists for negative impacts during the construction phase will be minimized as a consequence of the policies of the applicant, utilized areas will be avoided to the extent possible."

From Section 4.4 of the Foothills application:

"...the pipeline will be constructed and operated so that disturbance to areas vital to hunting and trapping and fishing is kept within acceptable limitations."



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In C hief

"...utilized areas will be avoided to the  
extent possible,"

states the applicant. It is not evident to us that the  
applicant is serious.

I'd like you to look at this  
map. We have the pipeline, the proposed pipeline  
route, you can't clearly see it but it's there.

Extrapolate in your mind  
land-use three times more than what you see. Can  
you imagine any area where a proposed route will not  
create a negative impact? Where on this map could  
negative effects be avoided? I do not see any on this  
map.

The Arctic Gas application  
further states on the same page that,

"...only a small proportion of the study  
region will be affected by the project."

This contention is also a lie  
for anyone with only a remote appreciation of what  
it means to be Dene and the relationship between us and  
our land. There are many other assertions of this nature  
in both applications; I mention only a few. All of  
them imply complete ignorance, willful or not, of the  
existence of the Dene as a people struggling to survive  
as a cultural and political entity.

From page 34, Section 14-C,  
Arctic Gas application:

"The transition from a hunting economy to a  
wage economy is predictably difficult. The



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1 transition must be made, however, if the  
2 social and economic needs of the native  
3 people are to be satisfied."  
4

5 I cannot make out whether  
6 this patronizing remark is a threat or simply a  
7 cynical appreciation of colonial real politik. For  
8 it is true that in the colonial world the Dene have  
9 inhabited of late, this is exactly the choice we have  
10 been given - become wage earners in projects alien  
11 to Dene needs, or else you will not receive the  
12 social and economic support which is the right of  
13 all Canadians.

14 We Dene seek to demolish this  
15 kind of non-choice by establishing first before any  
16 colonial project of the dimension of the proposed  
17 pipeline, our right to a choice, to the possibility of  
18 relevant forms of economic development, to political  
19 control over the evolution of Dene society, and to the  
20 resource base upon which these rights must be realisti-  
21 cally grounded. The applicants' evidence only confirms  
22 our determination to obtain such recognition before  
23 any pipeline is approved.

24 And in conclusion, we set out  
25 to do this research with clearly stated objectives which  
26 we knew had been attempted by very few white researchers,  
27 but had never been realized possible by government  
28 experts and industry experts. We also knew that  
29 neither the former nor the latter can ever state our  
30 case satisfactorily nor will they sweat for our self-  
determination.





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The purpose of this research was for us to be able to tell you what we Dene already knew, that we have used and still use the land extensively.

We set out to provide the people of Canada with a record of Dene land use and occupancy in the N.W.T. from the distant past down to the present, to provide the people of Canada with an understanding of the importance of our land to the integrity of our culture, our identity, our present way of life and to our future hopes; and to convey to the people of Canada a sense of the destruction inflicted on our civilization by the ethnocentric ignorance of the white man.

The maps as they stand show an intense use of land, even though that is a representation of only about 30% of hunters and trappers, and mostly those over 30 years of age. Had we interviewed 100%, there would be three times as many trails, routes and traplines on these maps as there actually are.

We have considerable experience in surveying the environment we live in. Our ancestors navigated and when the white man travelled on our land it was with the advice and help of our ancestors. We have Dene place names for all our camps, for the lakes, the rivers, the mountains, indicating that we know the topography of our land intimately.



Snowshoe, Greenland, Pellissey  
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In Chief

I'd like to point out some place names for you. Before Mackenzie came and claimed the river to be named after him, we called it Deh-cho. This lake we called Sa-too. Most of the places that I know are Slavey place names, they are in the Mackenzie-Liard area. That's where I'm from. Simpson we called Lelin Kwen. Trout Lake we called Somba Ke. Nahanni Butte we called Nahaday.

All the mountains have different names. The mountains are called chie . Fort Liard, Chow tin Kwen Providence, Gati Kwen . Great Slave Lake, Tou Chou I could go on and on and on. All the people sitting on this panel know a lot of place names from the places where they come from. The trappers will tell you more about these place names.

In spite of the problems of misunderstanding and misinterpretation we experienced with the white man, we continue to maintain and view ourselves as a nation.



Snowshoe, Greenland, Pellissey,  
Menicoche, Nahanni  
In Chief

1  
2 Through the evidence of our  
3 land use and occupancy, we are showing you that we have  
4 tolerated at much cost to our culture, the path of  
5 development you have chosen for us and from here on,  
6 it is our right to control and direct the changes that  
7 affect our survival as a people.

8 From the interviews we had  
9 with 26 young people, it is self-evident that the bond  
10 between young and old and their past is essential to  
11 our future independence. Our field work reinforces the  
12 statements made by the Dene at the community hearings  
13 that our attitude towards our land has far more  
14 substance than is fully appreciated by the oil and gas  
15 companies and government.

16 The maps clearly show that the  
17 Dene -- what the Dene have been saying all along before  
18 your legal institutions; that we have been here for  
19 hundreds and thousands of years. This is our land and  
20 our life. This is the most graphic demonstration of the  
21 truth that we Dene own 450,000 square miles of land.

22 That the proposed oil and  
23 gas pipeline routes and construction sites conflict with  
24 our land-based activities is obviously shown by carto-  
25 graphic representation of those activities. These routes  
26 show no sign of regard for our trails, travel routes,  
27 and traplines and our camps. The implications of such  
intrusions not only affect the trails, travel routes and  
traplines, they indiscriminately and without discretion  
affect the animals, fish lakes, and the environment and  
our way of life.



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1  
2 Producing these maps has been  
3 a lot of work. Over two years, about two dozen people  
4 have worked on this project and at any moment in time  
5 about a dozen people were working on it. The result  
6 is that data now exists on Dene land use that simply  
7 was not available before.

8 I emphasize this point because  
9 it means that statements made about Dene land use by  
10 government officials and the hired experts of the pipe-  
11 line companies are based on what? If you do not have  
12 the facts, how can you, as a scientist draw any conclu-  
13 sions at all? As I understand it, experts, even when  
14 they agree on the facts, can still disagree on what  
15 facts really mean. But when one side in a discussion  
16 has really no evidence worth calling facts, then we  
17 can only wonder how they manage to draw conclusions at  
18 all. Surely this is anything but using a scientific  
19 method and hopefully now that the real facts on Dene  
20 land use patterns are for the first time available to  
21 non-Dene, the experts of the pipeline companies will  
22 take advantage of these facts to rewrite their studies.

Mr. Commissioner, I'd like  
to make a comment if I might about a statement made by  
Mr. Buchanan about a few days ago in Yellowknife.

He implied that the Dene have  
not been working hard enough in preparation for land  
claim or land settlement position. On behalf of the  
people who've worked on this project, who gave their  
time and effort over the past two years, I'd like to say  
that we regard the Minister's statement as an affront.





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The work that we have done had involved a lot of community people in the interviews as we did about 396, like I mentioned in my report. These discussions not only concerned land use it also concerned our future and that, to us, is a discussion on our land claims or our land settlement and I would like to say that I'm very, very disappointed that the Minister should come up with a statement like that at this time, and that the land use research is only part of the land claims research. There is more research in the land claims than just this research, is what I'm saying.

That's my statement.

MR. BELL: I'd like to turn now to Betty Menicoche.

WITNESS NAHANNI: Mr. Commissioner?

THE COMMISSIONER: Yes?

A I would like to say -- I'd like to say a few words in Slavey for the benefit of Wilson.

MR. BELL: Betty you worked for a year as a field worker on the land use research project. Could you tell us how the research was done?

WITNESS MENICOCHF: Well, from my experience as one of the land use researchers, I'd like to give evidence of how research was done while in the region in the Mackenzie - Liard. Interviewing was



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1 done at the convenience of the men interviewed. We had  
2 the opportunity to interview only a third of the  
3 population that use the land.

4 There was difficulty in getting  
5 interviews as many would be out of the communities that  
6 we visited. I covered the south Mackenzie area with a  
7 team-mate or with the help of other field researchers.  
8 This is Fort Simpson, Wrigley, Jean Marie, Providence,  
9 Kakisa and Liard. These were the communities that I was  
10 actively involved with <sup>in</sup> mapping and interviewing.

11 I found that teamwork was very  
12 valuable to the actual work that was done. We found that  
13 two people could interview a man better than one, as one  
14 can interview and translate and write the information  
15 down on the map biography sheets, while the other outlined  
16 the routes in areas utilized by the informant. All this  
17 material was then rewritten and traced with felt pens.  
18 We were able to interview six or seven people on the  
19 maps, that is, for one region at a time; we averaged  
20 at the minimum of one day to a witness or rather  
21 informant. That is, after we traced him down.

22 The longest time period that  
23 we spent was on one informant <sup>from</sup> Fort Norman. It took us  
24 three days to cover only eight years of his life on  
25 the land. Although we covered only the quota expected  
26 of each community, the maps of that particular region  
27 indicate the use of the land, waterways and lakes by  
28 my people the Dene. Individual use of the land may  
29 appear sketchy but that only shows the minor and most  
30 frequently used areas -- or rather, the major.



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1 The informants usually did not  
2 indicate their one day and minor trips in use of the  
3 land. The line that we used indicated more or less  
4 describes the general area used by the informants.  
5 Despite the fact that only a third were interviewed,  
6 this does not mean that the wage earners that lived  
7 all year round in communities did not use the land. They  
8 did and still do get wild food and meat to supplement  
9 their store-bought groceries.

10 While we interviewed, we asked  
11 the informants when they began using the land, the  
12 areas they have covered and still cover, their main  
13 and temporary camps, fishing areas and other areas.

14 We used the code that Phoebe  
15 has described and showed in marking down these areas.  
16 Once we completed our quotas for the communities we  
17 usually send them in to Phoebe for further work ,  
18 collating the information on one map for that  
19 particular region. The collated map of the region  
20 underestimates a total experience and use of that  
21 particular region, since approximately a third are  
22 represented.

23 This occurred as the result  
24 of time allotted for the interviews to be completed  
25 and the unavailability of the total population for  
26 interviews. During interviews, there was always no  
27 question as to who owned the land in the minds of most  
28 of the informants.

29 That's about all I have to say.





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1  
2 MR. BELL: Does the map on  
3 the wall behind you accurately reflect the information  
4 that you received in your area during your interviews?

5 A Yes, it does.

6 Q Turning to you Mr.  
7 Greenland, you were also a field worker on the Land-Use  
8 Research Project?

9 WITNESS GREENLAND: Yes Mr.  
10 Bell. The procedure that Betty just outlined was the  
11 actually the same line that I used for doing the delta  
12 region. For the region there, I covered like I'd say  
13 certain percentage of elderly people and then there was  
14 people thirty years -- from thirty years and on.

15 The statements that have -- that  
16 I've got from them, they're all saying that they do not  
17 want no pipeline built to the Mackenzie Delta.

18 Q Does the map on the wall  
19 behind you accurately depict the information that you  
20 received during the interviews?

21 A Yes it does.

22 Q If I could turn to you  
23 Mr. Snowshoe, you are one of the trappers who was inter-  
24 viewed for the land use project. Is that correct?

25 WITNESS SNOWSHOE: Yes. I  
26 was interviewed by our field worker in Fort McPherson  
27 Neil Colin who is out trapping right now and he had  
28 no chance coming over. I'm sorry to say that I had a  
29 short notice of coming over here and I was walking the  
30 street yesterday thinking of getting ready to go out  
31 in the bush myself and I was met by Chief Johnny Charlie



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1. in Fort McPherson and he asking me if I was  
2. volunteer to come down here and I had no choice but come  
3. because I'm interested in this, what's going on.  
4.  
5.  
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I'm a little bit  
worried because I live 35 miles above Fort McPherson  
and it is getting pretty warm and I guess there is  
one creek that I'm worried about is when the water  
start in that creek and then I have got to swim up.

Q Have you had a chance  
to look at the map on the wall?

A Yes.

Q And is the area that  
you are familiar with indicated on that map?

A Oh yes. I don't have  
to look at the map.

Q Perhaps I could ask  
you to show us on the map the area that you are  
familiar with and the area that you use.

A When I was 15 years old,  
I came out of a residential school and I was in a  
residential school in Aklavik until I was 15 years old.  
And I got kicked out of school --I wasn't a dropout --  
for saying "Go to hell" to the supervisor.

I came back home and  
that same spring my dad got a registered area. It wasn't  
really registered. It was just a sort of a little  
place where we began to trap and my dad took me down  
there. I was told I had to go back to school again.

He showed me a little  
bit how to trap rats --muskrats. And then I am going back  
to school again. I'm 15 years old.

The next fall they took



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me up the Peel to a place called Snake River and we went up the Snake River and in Loucheux they call the Snake River "gyuu dazhoonjik". And up the one creek called Vakak deechyaa creek. We went in this region through the fall. He showed me how to trap marten there and he just told me, he didn't take me out, he just told me. We crossed that lake and that lake is not on the map, and he told me to cross the lake in a straight line. And I was a greenhorn in the bush at that time so when I crossed that lake like he told me, and I started walking but instead of making a straight line, I made a circle. That was my first experience with trapping.

We stayed there until Christmas time and then from the Snake River which is 150 miles above Fort McPherson, we went all the way up and back down that same winter. It wasn't very good trapping that winter so we went up to Rat River. We went up to Rat River. From there, we stayed there until Easter and a creek called Sheep Creek -- divii daaghoonjik in Loucheux. And then we came back down in March and we moved back to the delta.

In the delta there is all kinds of rivers and little creeks in there. There is a river there called the Native River and the Native River there is a little creek called -- in Loucheux, we call it han gwajat and in the English it is Rotten River and that is where we passed the spring and the next year in Fort McPherson we went up the Peel again. This time we went by dogteam. We went





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up the Peel and went up by a Caribou Creek  
by the same road that Dawson patrol uses over to  
Caribou Creek and on this mountain here -- I think it  
is this one here, it is called the Caribou Mountain  
in English and we call it edigii and this  
Caribou Creek we call it edigii njik, and we came up  
here and we crossed the Caribou Creek and we were  
following the old patrol trail and then we went on  
to this area here which is called something like  
ah hjoutuk. Some hills where it is good for marten.

After that, we went back  
to McPherson at Christmas time and he took me and  
he moved me over to the mountain by Stoney Creek and  
we went out by Scow (?) Mountain down to the Yukon  
towards Old Crow. Halfway between Old Crow and  
McPherson, we travelled all winter, barely feeding  
dogs and we never gave up. In them days, people were  
on no welfare.

We came back and we  
followed the caribou where it's going and we were taking  
maps. We came back to the mountain where we started --  
Scow Mountain and we came -- we ran into caribou  
there. Then we went back to McPherson, back into  
the delta again. Every year around, this was what the oldtimers had  
been doing way back. Now the people are talking of  
the people that you see. All these markings here.  
This is where the people at Fort McPherson and some  
from Aklavik have trapped all in this area -- all these



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1 markings. We were doing this until in the 1950's we  
2 were doing this. My dad and I were living mostly in  
3 the delta we did our living and a little trapping.  
4 Then we were up a little ways and then we started --  
5 employment started coming in, so in the summertime  
6 it was just my dad and I. We worked hard and in the  
7 summertime we did a little around McPherson and then  
8 in the fall time we go back there. It is a routine  
9 thing until then. I got married. In 1960, I move up to a creek. We  
10 called it -- they call it in English, the Three Cabin  
11 Creek and on the map it says Saada Creek. And in  
12 our language we call it Snit Lake and there is just  
13 sort of a little delta there and there is lots of  
14 lakes. It is not shown on this map again.

15 Since that time until  
16 about 1970, that we started getting -- oh, I meant  
17 to tell you something. At that time, I was living  
18 in this area here for a year around we stayed in  
19 here in that Three Cabin Creek. Between Christmas  
20 and New Years, I had to go up and visit my lake  
21 which is about three days from the cabin.

22 Going up towards  
23 between Fort McPherson and Three Cabin Creek. I was  
24 going up and there was a couple of guys coming behind  
25 me and about six miles below from where I was staying,  
26 I seen the smoke up there and there was no trail on  
27 the road. The trail was covered but I seen the smoke  
28 and I was thinking "What the heck is going on?" as I  
29 was going up and pretty soon I was getting puzzled. You  
30 know, I was confused. I didn't know what the heck was



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1 there. And of course nobody was up that way and  
2 when I got to below that place there was a truck  
3 sitting. Smoke from the exhaust was going up in the  
4 air. I never heard nothing about seismic lines.  
5 I never heard nobody working in that area. Nobody  
6 knew nothing about it. That's the start of the  
7 seismic line.  
8

9 So I went up and asked  
10 them "What you guys are doing?" When he said "seismic  
11 line", I didn't know what he meant. And that's the  
12 way it has been started. Nobody knew what was going  
13 on. And when the seismic line started and I stayed  
14 in there with my father-in-law -- my brother-in-law  
15 until 1970 because '70 was the centennial year. I  
16 started looking into getting into a thing in wages  
17 and I was in school until 15 years old and I was grade  
18 7. A lot of times I was in there trapping, I  
19 was saying "Gee whiz , I shouldn't be doing this.

20 I should be in school. Maybe I should try to get  
21 a job and sit in an office and drink coffee like the  
22 other people." So that's what I did. I went into town  
23 and I applied for training, something else to do  
24 because I thought I was doing myself a favour but  
25 I wasn't.

26 Anyway I put an application  
27 in for training as a heavy duty driver. But I couldn't  
28 get it because I didn't have enough grades. So they  
29 asked me if you could go into an upgrading school.  
30 I went in there so when I left the upgrading school





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1 they offered me a job and I get the office job. But  
2 in between that time when I was trying that, I was  
3 lonesome for my land, and I was lonesome especially  
4 when there was nice sunshine outside and all the  
5 rats were swimming around, ducks flying around and  
6 that's the start of the change of life for some  
7 young people. Like they say, change of life. This  
8 is where the government is doing us a favour by  
9 giving us low rental housing, making it good for us.  
10 But that's the start of the welfare -- subsidizing the  
11 oil, the gas, taking our <sup>own</sup> house away from us -- where  
12 we used to be, cutting wood for ourselves, hauling  
13 wood for ourselves in town. We were working every  
14 day, not today. And this is one thing. I don't know  
15 about the other communities but in Fort McPherson we  
16 are trying to do away with that right now. And they are  
17 going back to the bush slowly. Like I say, where  
18 Phoebe wrote in the section where the survey was done  
19 in 1972 and 1974, that's the start of the low rental  
20 housing and that's the start of spoiling the people.  
21 I was one of them. Today I'm sorry. I was sorry  
22 long ago but right now if I move out of that house,  
23 I don't know where else I have got to go back to the  
24 end of September, but I have got six kids at home and  
25 we are thinking of getting our own house and start  
26 burning wood -- we are not worried about oil. That's  
27 the way I had at the lake and like I said when I was  
28 working, I get a part-time job and then I go in the bush,  
29 I go in the bush to fish and then in the springtime  
30 when I get a chance I go out hunting rats every year.



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1  
2 And we are screaming about  
3 our land and we don't want the pipeline to come  
4 through. Now Judge Buchanan O.K.d for them to  
5 drill up here. This is the main source, the main  
6 place where the fish are always coming up this way.  
7 Our people depend on that fish, and if we have a  
8 blowout, goodbye fish. That's why we don't want it.  
9 That's all I've got to say.

10 MR. BELL: Thank you, Mr.  
11 Snowshoe. Mr. Pellissey, you are one of the trappers  
12 that was interviewed for the purpose of the land use  
13 research.

14 THE INTERPRETER (FOR WITNESS  
15 PELLISSEY) He said "Yes."

16 Q And is the area that  
17 you are familiar with and use shown on the map on the  
18 wall behind you?

19 A Yes.

20 Q Perhaps I could ask you  
21 to go to the map and show us where that area is.

22 A From Fort Wrigley for  
23 80 miles south of Mackenzie Mountains, he's been  
24 trapping there for the last four years, but he's been  
25 in the Norman region before and he's trapped around  
26 that region, around Wrigley down the north side, you  
27 see where all those lines are, he said people have  
28 been trapping there nearly all his life too, since  
29 he's been there, and people are totally using that  
30 area every year --- spring hunting and trapping in



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1 winter time. So he said the people from Wrigley sent  
2 him here to let the people know here at the Inquiry  
3 that why the people sent him here is that they still  
4 use that land, trapping and hunting, and other things.,  
5 He said Phoebe has been working on these too, so she  
6 told him to come up here too, and since he's 66 years  
7 old now and he's still trapping there, using the land.  
8 He said that he doesn't know any of this kind of work,  
9 paper or office work, and so people his age and younger  
10 people too are still using the land too, and that's  
11 what he's always done and he wants to continue on doing  
12 it. He said that he doesn't speak English very well,  
13 but I'm translating for him, so he's trying to explain  
14 to the best of his ability in Slavey that that's why  
15 the people sent him here to explain that they're still  
16 using the land very well.

17 He said just a while ago he  
18 said he does understand English, but he doesn't  
19 know how to speak it very well, and when he gets back  
20 in Wrigley in the springtime now, he'll begin the spring  
21 hunt. The rest of his people back home in Wrigley have  
22 already gone spring hunting already, but they sent him  
23 here so that's why today he said he's talking about that  
24 land there too.

25 He said the reason the people  
26 sent him here is he uses the land very well and is  
27 a great hunter and he knows the area very well, so they  
28 told him that, "You're the outstanding person there,  
29 you trap very well and you use the land very well" so  
30 that's why they sent him here, and now he's talking





about it. He said he's got ten daughters and three boys, and he's thinking about their future, and although he says that he's a good hunter and he uses the land, whenever people come to his house or his town, he feeds them of what he uses, he makes good use of it. So he said he's talking about his kids' future too.

He said he came here but he has not -- he didn't prepare <sup>meat</sup> for his home, you know to feed his family, so he was here in a rush so he said he doesn't know what they're doing now.

He said of all the Mackenzie region, the Mackenzie District, Simpson, Wrigley, Franklin, all over, he said that's all his people, and here in Yellowknife too, he said what he's got he would give it. He said he doesn't have very much riches but he's saying that over again, he says he would like his people and whatever he's got, meat or whatever he's got he always gives to his people, too, even if it's got to last -

He's been all over trapping areas, down the Mackenzie District too, and his people know that he tries very hard for them, so today that's why he's here, it's because he cares for his people and now he's talking for them.

He said Slavey, English, anybody, white, Indian, he said he's talking here now but he's going to try his best, you know, he appreciates it that he's been here today. He said ever since he's been young, until today, wherever disaster is going





Snowshoe, Greenland, Pellissey  
Menicoche, Nahanni  
In Chief

1  
2 THE INTERPRETER: He says there  
3 was a helicopter flying around so it picked him up.  
4 They were just giving him a ride, just taking him  
5 around and they told him this is where the pipeline is  
6 going to go. He said, where the pipeline was supposed  
7 to be going, it's very close to the fish lake that  
8 he knows.

9 He says it's very close to  
10 Wrigley and they were asking, "What do you think about  
11 it?" He said, "I don't know what you are guys are  
12 talking about so bring me home", and so he says that  
13 all he got to say.

14 MR. BELL: Thank you Mr.  
15 Pellissey. Do you have anything else to add Phoebe?

16 WITNESS NAHANNI: No, not at  
17 this time.

18 MR. BELL: The exhibits for  
19 this panel are the summaries of evidence that have been  
20 distributed and the map that you see on the wall.

21 MR. SCOTT: Mr. Bell, the map  
22 is available to be made an exhibit, is it? If it  
23 hasn't already?

24 MR. BELL: Yes, it is.

25 MR. SCOTT: Yes. Thank you.

26 THE COMMISSIONER: Well, the panel  
27 can remain then until tomorrow. All right. Well thank  
28 you very much members of the panel. It's almost supper-  
29 time, so we'll adjourn till tomorrow morning and you'll  
be asked some questions by some of these gentlemen



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and by myself and after that you have your next panel  
ready do you?

MR. BELL: Yes sir.

THE COMMISSIONER: All right,  
thank you. We'll adjourn till 9:30.

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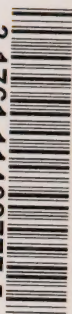












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